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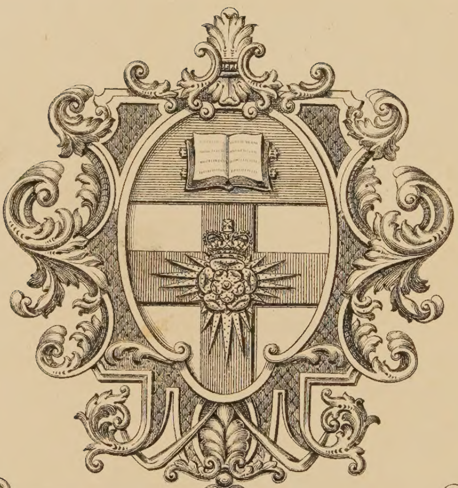

University of London

GURNEY WOODSTOCK ST. W.

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HANSARD'S

Parliamentary Debates

During the SECOND SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
4th February, 1836,
in the Sixth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Second Volume of the Session.

HOUSE OF LORDS,

Tuesday, March 8, 1836.

MINUTES.] Petitions presented. By the Earl of WINCHILSEA, from several Agricultural Associations, for Relief to the Agricultural Interest; from Knaresborough, against the Additional Duty on Spirit Licences.—By the Bishops of LINCOLN, WORCESTER, and EXETER, from a Number of Places, for Alterations in the Ecclesiastical Courts' Consolidating Bill.—By Lord ASHBURTON, from Canada, against any Alteration of the Timber Duties.

* * *

HOUSE OF COMMONS,

Tuesday, March 8, 1836.

MINUTES.] Petitions presented. By Dr. BOWRING, from Kilmarnock, against the Stamp Duty on Newspapers; also against the Feu Holding, and the Law of Property (Scotland).—By Mr. GRANTLEY BERKELEY, from a Parish in Gloucester, against their Select Vestry; also from Cheltenham, against the Additional Duty on Spirit Licences; and from the Fly Proprietor of the same Place, against being surcharged for their Drivers.—By Sir OSWALD MOSELEY, from Uttoxeter, for placing the Management of County Rates in the hands of Deputies elected by the Rate-payers.—By Dr. BOWRING, from Port Glasgow, for the Repeal of the Duty on Paper.

MUNICIPAL REFORM—(IRELAND)—ADJOURNED DEBATE.] The Order of the Day for resuming the Adjourned Debate on the Municipal Corporations (Ireland) was read; and the debate resumed on the Amendment moved by Lord Francis Egerton as an instruction to the Committee.

Mr. *Smith O'Brien* said, it might be some apology for his rising so early to address the House, that though this was not a question, the decision upon which was to effect the triumph of a political party, or to displace a Ministry from office, yet it was known and felt by all Members for Ireland to be a question upon which hinged the tranquillity and domestic peace of Ireland. He was opposed strongly to the Amendment proposed last night by the noble Lord opposite, and he was now prepared to show that the adoption of it would produce the most fatal consequences, as respected the peace of that country. The able and eloquent exposition of the state of the corporate bodies in Ireland, and their mal-administration would obtain ample corroboration from the local experience of most gentlemen connected, like himself, with that country. He, then, as one Member of that House acquainted with some towns in the south of Ireland, would state in a few words what he knew of the Corporations of Limerick and of Ennis, with which he was more immediately connected, closely bearing as that knowledge did upon the question which Parliament had then to dispose of. The city of Limerick, as the House was probably aware, contained a population of 60,000. Its municipal government consisted of a Mayor, Aldermen, and common-council, and if the representative system had originally been applied to that Corporation, there would, perhaps, at the present moment, be little fault to find. But so far from the representative principle ever having been in force, that of strict nomination had always prevailed, that nomination having been completely at the disposal of a noble Lord not resident in the town, and possessing but moderate property in it. The patronage of that borough, as possessed by him, was a thing quite complete in every respect—so complete, that no one of his nominations to any office, great or small, in the Corporation was ever rejected, for it was an honourable understanding with the members of the council, that so long as they held office they held it but in trust for the patron. He had, therefore, the appointment of the Mayor, the Sheriffs, and even the bailiffs. The income of this Corporation amounted to 5,000*l.* a-year, the greater part of which had, of late years, been applied and used for the purpose of defeating the just claims of the citizens to inferior branches of the freedom. This Corporation, the House would not be surprised to learn, had at all times been an exclusive body, and at present did not contain any Roman Catholics. Limerick was a considerable port, and possessed rather an extensive trade, but not one of the merchants were of right admitted into the Corporation. The sheriffs of the county of the city of Limerick were appointed by the patron, and those officers appointed the Grand Jury, a body which, he need not remind the House, had very important functions to discharge, and he put it to hon. members whether it was fitting that such a city should, in that manner, and to such an extent, be placed at the disposal of a single individual. There did, however, exist in the city a Board of Commissioners chosen by the inhabitants, upon the principle of representation, who had the disposal of a revenue of 2,000*l.* a-year. This Board consisted of Protestants and Catholics, without distinction of faith, and they discharged their duties to the entire satisfaction of the inhabitants by whom they were chosen. With regard to Ennis, his own family was interested in that borough. It consisted of 10,000 inhabitants, and the municipal government was intrusted to a provost and twelve burgesses, who had as little relation to the town of Ennis as they had to the city of London. The patronage before the Reform Bill was divided between two families; but he believed he spoke from authority when he said, that they were no longer desirous of this species of influence. There existed no municipal authority in the place, and it was neither paved, lighted, cleansed, nor watched. These might be taken as specimens of two Corporations; and with respect to such small boroughs as were below 6,000 in point of population, perhaps the best thing that could happen would be that they should be extinguished. He would now look at the reasons urged for adopting the Amendment; and, first of all he would remark, that if it were carried, it would be as little acceptable to the friends as to the enemies of the noble mover. It arose out of nothing but jealousy and distrust of the Roman Catholics; and what motive more miserable or contemptible for depriving a great nation of its rights and franchises could be stated, than to admit that it arose out of terror of the power of an individual who owed that power only to the wrongs of his country? The way to lessen that power was to redress those wrongs. He must say, that he never heard more miserable or contemptible reasoning than that of last night by hon. Members opposite in support of that presumed necessity for excluding the Roman Catholics from all participation in civil power in those boroughs. Would those hon. Members never learn that the excessive power and influence which they lamented so to see exercised in the affairs of Ireland, by an hon. and learned individual in the House, was founded upon his strenuous advocacy of their rights, and the sense they entertained of their wrongs? Did not they tell the Catholics of Ireland by this Amendment that they considered them unfit to govern the affairs of a Corporation or of a parish? and would not the Catholics, of course, in such a state of things, fly to him as their adviser and advocate, who came before the united legislature of both countries backed by the voices of six millions and a-half of Irish Catholics? The principle he was always advocating was due to every Catholic — to every Protestant — namely, that every man in Ireland should have an equal participation with Englishmen in all the rights and privileges of the British constitution. The pretext for discovering that a division should take place on this occasion he condemned as flimsy, because the question might, with more convenience, be raised in the Committee. With respect to the details of the Bill, and the reasons advanced against them, the more they were examined the more flimsy seemed the pretext for dividing upon it in the present stage. No change was, in fact, involved, that might not be made in the Committee, and the supporters of the amendment were not prepared to deny that Municipal Corporations were necessary for the purposes contained in the Statute of 9 Geo. 4th, c. 82. Had those supporters never heard it stated that the great mass of the population of Ireland were little disposed at this moment to place confidence in county or city Magistrates nominated by the Crown? If the proposed change were made, the Crown must necessarily appoint many Roman Catholics, so that to carry the Amendment would create the very evil from which its advocates were so anxious to fly. The argument founded upon the police had no weight with him, and he frankly confessed to the noble Lord, the Chief Secretary, that as the peace of Ireland had never been preserved by an armed force, so he believed it never would. Those who wished to preserve good order, must place confidence in those respectable persons who had the power to maintain it. There had been something last night thrown out *ad captandum* with respect to the question of the right to levy tolls in the boroughs. Now, though in many cases, a change in this respect might be desirable ; yet, in general, he was far from thinking that it would be desirable in all cases to insist on depriving the borough government of the right of levying such tolls, provided they were applied *bona fide* to purposes of trade and commerce in the borough. This would apply even to the question of fair tolls. Arguing even by analogy from the case of a merchant who paid port dues without complaint, because he procured in return equivalent advantages, he arrived, in respect to fair and market tolls in boroughs, at the same inference. He professed, that, considering the causes that existed in Ireland for disaffection and violence, he only wondered that affrays and political excitement were so seldom witnessed there. Under good municipal regulations, he was satisfied that these tolls might be made a source of the greatest benefit to the community. He would not follow an hon. Gentleman who had spoken last night through his instances of indiscretion in particular parts of Ireland : in the present state of society there, they were not to be avoided, and he was only surprised that they were not more frequent; but he wished to show what would be the result of the amendment if it were adopted. He was confident that it would arm every advocate for a repeal of the Union with an argument that would be responded from one end of Ireland to the other. The Irish Members who supported the Bill, might be said to represent seven-eighths of the people. In this country, public opinion was all-powerful—no government dared to resist it; but in Ireland, let that opinion be ever so generally pronounced, the Government could afford to treat it with contempt. He asked every English gentleman to put it to himself, how he would feel, if he were told, that Englishmen were not qualified to enjoy rights possessed by any nation of the globe? Were they told so, the answer would be, "Then your Government is not for us." Here, it was not sufficient to counteract the wishes of the people of Ireland, but they were also to be insulted by remarks upon the balance of votes. His conviction was, and always had been, that provided the two countries were governed as one—provided rights and franchises were equally enjoyed—provided no terms of contumely were used, and Ireland were incorporated like Middlesex or Yorkshire —on those terms, and on no other, would the Union be beneficial. The spirit which gave such fearful importance to the question of the repeal of the Union was not extinct; it slumbered in the confidence which the people of Ireland reposed in the House, and in the present Government; but if their hopes were disappointed —their confidence betrayed—if unhappily the House listened to the suggestions of the noble Lord, the same fearful spirit would be revived with irresistible force. At the present moment, and with present prospects, there was no danger of the kind. If this measure were thrown out in another place, a different cry would be substituted for the repeal of the Union: the indignation of the Irish people would then be turned towards a quarter to which, for one, he was not desirous to see it directed. Hereditary legislation could only maintain its prerogative by the most cautious forbearance and prudence, by persuading the people that the interests of one order were not supported by the sacrifice of the interests of the mass of the community. If the resentment of Ireland were roused, it might be found that such a course could not be pursued with impunity. But he forbore to use arguments of expediency: those who were resolved to do wrong were right to begin early; and those who were determined to do right might safely disregard ulterior consequences, and rely with confidence upon the national gratitude of a generous people.

Mr. *Randal Plunkett* felt convinced, that after the speech the House had heard, it would have no objection to have the same subject differently treated. He remembered to have read in an Irish provincial paper, that on a certain day, in a certain month, a spinster, of an age he felt it his duty to forget, had "renounced the errors of the Roman Catholic persuasion, to embrace those of the Protestant." It appeared to him that the question was, shall we abandon the corruptions of the Protestant Corporations, to embrace those of the Roman Catholic? He had not the good fortune to know much of the motives of reformers; but if he was to judge from what he had read of the statements of those who supported the Reform Bill, as of real Reformers, then was he justified in considering that the excision of all those excrescences which had by time grown up on our venerable institutions, to cut away root and branch, those noxious plants which cumber the ground, was their principle. But when we come to proceed on these their own principles—

> Tum vero manifesta fides, Danaumque patescunt
> Insidiæ————
> ———— Victorque Sinon incendia miscet
> Insultans.——

Then did their fidelity to their ancient maxims become manifest—then did the wiles of the enemy appear evident, and soon would the hon. and learned Member for Dublin, when he returns to his country again, shorn, indeed, of some of those honours with which he approached us here, cause to be ignited those bonfires he had ordered in the last speech he made, ere he bade his native shores adieu, from the Causeway to the Cove of Cork, and from Limerick to the Liffey, upon the event of the Ministerial measure passing. Let the House imagine, what must be the feelings of his Majesty's loyal Protestant subjects when they beheld around these blazing pyres, and probably considerably exhilarated by mountain dew, some thousands of those called Ribbonmen, of which association the noble Lord opposite, the Secretary for the Home Department, had stated, he was sure in ignorance, that no persons of the station of Members of Parliament were members. He could tell the noble Lord, that there had been, and he would not say that there were not still members of the association called Ribbonmen, in Parliament.

Mr. *Hume* rose to order. The hon. Gentleman charged a Member of that House with belonging to a Ribbon Society. He submitted, that the hon. Gentleman was not entitled to make an accusation, disgraceful in itself, against another hon. Member, without naming the party to whom he alluded.

Mr. *Randall Plunkett:* "The words I used were, that there had been, and that I would not say, that there were not still Members of Parliament who belonged to that society, which we, the uninitiated, call Ribbonism, but which is, in fact, not the name, I believe, which the parties take, as they call themselves Sons of the Shamrock, and other designations. Is the hon. Member for Middlesex satisfied? [*The hon. Member nodded assent.*] I arose principally to announce the sentiments of my clients, who are, in this case, the Corporation of Drogheda, and I do so from the highest authority in such a case, being armed first, with a petition from the Mayor, Sheriffs, &c. &c., and Common Council of the town of Drogheda, agreed to on the 19th of last February; showing thereby, that it was not in consequence of any communications from this side of the House, as to the line proposed by them. The petitioners state in conclusion, (the hon. Member read part of the petition) that they consider that it would be infinitely preferable to abolish that Corporation altogether, than substitute a new one, on the principles proposed by the provisions of the Bill before the House. Petitioners, in an earlier part of the Petition, had endeavoured to guard the House against the reception, as conclusive evidence of the Report of the Commissioners. It is to this subject that I wish to direct the attention of the House of Commons and the country. I arraign the whole Report of the Corporate Commissioners. In the first place, Sir, they were altogether a different sort of persons from those selected, when the Commission of Public Instruction issued; it was composed of as many English as Irishmen, so that the integrity of the Englishmen, although they might be party men, countervailed the prejudices inseparable from Irishmen.

I can speak from my own knowledge of the Englishmen, especially whatever I may think of their Commission, that they were men of high talents and attainments—men well qualified to fill a high position creditably. When the Poor-law Commissioners were appointed, they were all men of very different calibre from the Corporate Commissioners. In the outset of their labours, these Commissioners chaunt a dirge over a Mr. Colhoun; but the important circumstance therewith connected is this, that by the demise of Mr. Colhoun, a Mr. Henry Baldwin was left to make the whole inquiry into a large district allotted as his share, comprising many towns, three of them returning Members to Parliament, and others possessing much corporate property, as Trim and the much calumniated town of Naas. The Report on all these towns, rests alone on the authority of Mr. Baldwin. I do not know whether this be the gentleman I see opposite to me, the hon. Member erst famous for blarney, and the four gun-brigs, or any other gentleman of the same name. We have another rejoicing in the Euphonious name of Philip Fogarty—of this gentleman, I shall only say, read his decisions, when sent down twice as registering barrister to Belfast; the facts are before the public, and I leave those who are *juris consults* to say, whether his decisions were according to law and the Reform Bill, or not. Now, Sir, come we to my friends of the Drogheda Report, and the House will not be surprised if it should prove inaccurate, when I said, I have some grounds for thinking that the returns on which the Report was founded, were actually made and complete, before the Commissioners went down to Drogheda. The specific charge made by the right hon. the Attorney-General is two-fold:—First, that in Drogheda, not as elsewhere, the public property and funds derivable from tolls, &c. &c. were applied to the private purposes, and particular persons of the Corporation; and secondly, its exclusive and sectarian character. As to the first—will the House believe, that in the statement made by the Attorney-General, it is made to appear as if the property in land, with the houses built at the expense of the occupying tenant thereupon, were the property of the Corporation? For instance, suppose the ground-rent of a house is 4*l.* an acre, and that the tenant, for the premises he builds could get 40*l.* if he set them, is the Corporation to receive 40*l.* per annum, the tenant's only remuneration for the buildings he has raised? The whole corporate property of Drogheda is 1,620 acres, in town and country; and 3*l.* without fine, all round, would be a high valuation for them. Now, as to the tolls, what do even these Corporate Commissioners say? They say, page 881, Report on Drogheda—"And the surplus of these funds has been uniformly expended, in conjunction with the funds derivable from the Corporation estates,"(after the deduction therefrom,&c. &c.) "in the erection of public works, the general improvement of the town, assisting county charges, which a limited district could not sustain without severe pressure, and also in support of police institutions, with which the inhabitants must otherwise be chargeable." Now, as to their sectarian feelings—in 1833, Mr. St. George Smith proves, that when any corporate property is out of lease, it is let to the highest bidder, without such distinction. But, Sir, it is not long that they have had the power of doing this, that is, if they acted up to the spirit and letter of their only tenure of property, privileges, and power. Sir, I will read to the House what I consider the most extraordinary assertion ever made—The Commissioners state (Report, Drogheda, p. 387), that "previously to the accession of James 2nd the Corporation of Drogheda appears to have been constituted without any sectarian distinction." Why, is there any one who pretends to know anything of Irish history, who does not know that most of James 1st's charters were to Protestants exclusively? James 2nd tore them away most unjustly, as stated in a letter of William 3rd to certain Protestant aldermen, to whom he restored their rights thereby, of which letter I will read an extract. It is dated from the camp at Kilcullen-bridge, 12th July, 1690. [*The hon. Member here read the extract.*] To these same people, in the 10th year of his reign, the same monarch, by a new charter given to Drogheda, ratified their rights and possessions. I have stated, that I am authorised by the Corporation of Drogheda to concur in the plan proposed from this side of the House; but I should not be doing justice to my own feelings, if I did not say that I should part with deep regret from those Corporations which everywhere have been amongst the best bulwarks of Protestantism, and British interests in Ireland. We are all, as I have heard the hon. and learned Member for Dublin state, entitled to our own opinion; he to his, and I to mine; and as I happen to entertain from conscientious conviction the following sentiments, I should think it unmanly to shrink from openly avowing them, viz.: that I do believe, that the moderate ascendancy of Protestant principles is necessary to the glory and greatness of Great Britain and Ireland, and the safety of the United Empire; and I think it may be most dangerous in a statesman to abandon important muniments of the Protestant Constitution in Church and State. Connected as I am intimately with Roman Catholics, I have yet always lived on terms of as much amity by not withholding our opinions as by concealment. I conclude by again pressing upon this House and the country, the duty of avoiding implicit credit to the Report on any towns of the Corporate Commissioners, at least unless we see the evidence whereon they have grounded it.

Mr. *Villiers Stuart* said, that as this was his first time of addressing the House, he had much need of its indulgence, while he ventured to make a few observations upon the important measure now under consideration. He owed a double debt of gratitude and thanks to his Majesty's Ministers for the course they had pursued on the present occasion. First, for having introduced the Bill now before the House, calculated, as it was, to give satisfaction to the Irish people, and next, for their uncompromising opposition to the amendment of the noble Lord opposite. Could any hon. Member fail to see that the amendment of the noble Lord was nothing else than a direct stigma on the Catholics of Ireland? He could tell the noble Lord, that if he felt for Ireland and the Irish people that interest which he had professed the night before in his speech, he would have done a much better service to that country, and earned for himself more of the gratitude of that people; had he, when he was Secretary for that part of the empire, introduced a similar measure to the present Bill, rather than have lent the aid of his name, and character, and station to the upholding of Protestant ascendancy. But, no; so long as Protestant ascendancy was to be maintained, and so long as oppression and injustice was to be the governing rule for Ireland, so long was it the political interest of the noble Lord, and those with whom he acted, to preserve the old system, and not only not to abolish Corporations, as he now proposed, but to leave their abuses unredressed. He had given to all the arguments that had been brought forward in opposition to the present Bill the closest attention, and the best consideration that he could command, and he saw in them nothing that affected, in the slightest degree, the principle of the measure. The objections that had been urged were in his mind applicable only to the details, and, he thought, had much better have been reserved for the Committee than advanced at the present stage of the proceeding. The hon. and learned Member for the University of Dublin (Mr. Lefroy) had said that he did not know what the principle of the present Bill was, but that, as far as his own views went upon that part of the subject, he was decidedly hostile to the system of self-election. Now, if the hon. and learned Member was hostile to the principle of self-election, he ought to support this Bill, for one of the most prominent provisions was to destroy that principle, and if the hon. and learned Member did not know what the Bill contained, as he professed, was it not possible that he might find its other provisions equally worthy of his support as its destruction of the principle of self-election? As to the power which it was said the present Bill was calculated to throw into the hands of the hon. and learned Member for Dublin and the Catholic clergy, he was not prepared, he confessed, to ground any argument on a bare assertion like this; but, supposing the assertions to be true, would not that, he confidently asked, be an additional argument in favour of the measure? Could it be doubted by any person who had attended to the modern history of Ireland, that any stigma or insult offered at the present moment to the Irish nation would give great additional and increased power to the hon. and learned Gentleman alluded to? Was not the amendment of the noble Lord, then, directed to convey the one and to increase the other? Did it not stigmatize the Roman Catholic population of Ireland as unworthy of being intrusted with power; and did it not by that very denunciation give a vast increase to the influence and power of the hon. and learned Member for Dublin? But what, on the other hand, was the Bill of his

Majesty's Ministers calculated to accomplish? Why, it was designed and calculated, above all other measures, to conciliate the people of Ireland, and thus disarm the hon. and learned Member for Dublin of the alarming power he now possessed. He said alarming, because it could not be otherwise than fearful to see a state of things existing in any country as could give such powers as that hon. and learned Member possessed into the hands of any private individual. As to the Catholic clergy, he could not see any power which the present Bill gave to them which they did not possess already. He thought, on the contrary, that the Bill would deprive them of their present influence in a political sense; it would allay that fever and irritation upon political subjects which now prevailed amongst all classes, clergy as well as laity; and he felt justified in predicting that this measure would have the effect of taking the sting out of all disposition to evil in either class. Before he sat down he would entreat the House not to be scared from its propriety by gloomy predictions and frightful images that had been foreboded and conjured up by the hon. Members on the other side of the House. Those hon. Gentlemen were like the sailors in pursuit of the phantom ship, who thought of nothing but following their betrayer until they struck upon a rock. He hoped those hon. Gentlemen might escape the rocks towards which they were heedlessly steering their course; but, should it be otherwise decreed, he hoped at least that they alone would be the victims of their false pride, and that, should they sink, those on his side of the House might not accompany them into the abyss.

Mr. *Gally Knight*, having listened attentively to what had been advanced in the debate, was obliged to confess that no explanation had been offered which had succeeded in relieving the plan proposed by his Majesty's Ministers from its great and radical defect—namely, that it perpetuated the principle of exclusion. On this account, entirely concurring in the propriety of carrying the sentence into effect, which had been pronounced against the Irish Corporations, he felt it an absolute duty to support the amendment of the noble Lord, the Member for South Lancashire. He thought its adoption would be most conducive to the peace and welfare of Ireland. "What," it was said, "will you not give to Ireland the same measure which you have already given to Scotland and England?" He had seen how the English Bill worked, and it appeared to him to fail exactly in that way which would make a measure, on precisely similar principles, anything but a blessing to Ireland. Not because it had worked for the Radicals, and against the Tories, but because it had not verified the predictions which came from the opposite side of the House. They were told that the system of exclusion would be extinguished. Had it not been carried into effect more rigidly than ever? They were told that political party motives were not to be mixed up with the new municipal elections. Had they been governed by anything else? Would the happiness of the corporate towns of England be increased should such motives continue to operate? Would the happiness of the corporate towns in Ireland be increased, should such motives be constantly in action there? Would they consult the happiness of the sister island by making her a present of 120 exclusive societies—of 120 political furnaces—darkening the air with their oppressive smoke, from one end to the other of that unfortunate country? But, had their endeavours been crowned with success in England, the argument would not have been conclusive on the present occasion. Would to God, that there were no difference between England and Ireland; then, indeed, would the same laws be equal laws in both countries. But, alas! this was not the case; and however the difference might have arisen, there was not a greater or more fatal mistake, than to believe that the desired assimilation would be accelerated by the immediate communication of identical laws. Ireland was divided into, and distracted by, two great parties, generally called Catholic and Protestant, but which he desired to consider solely in a political point of view. He meant no insult—no injustice; but under such peculiar circumstances they would not promote the peace and welfare of Ireland, were they, generally or locally, to place exclusive power in the hands of either of the two parties. He would no more permit the heel of the Catholic to be placed on the neck of the Protestant, than he would permit the heel of the Protestant to be placed on the neck of the Catholic. He could not see the consistency of one week abolishing Orange Lodges, and the next, creating Catholic Corporations. Was it not rather their duty to compel both parties to respect the supremacy of the law, and to administer justice to each with the most rigid impartiality? If any man had a right to claim exemption from a culpable indifference to the welfare of Ireland, he possessed that right; for he had used his utmost exertions to persuade his countrymen to concede the great boon of Catholic Emancipation. In doing so, he was much encouraged by solemn and repeated assurances that the consequences of that measure would be the tranquillity of Ireland, and a deep and lasting tribute of gratitude from that country to this. In what manner had those assurances been fulfilled? He was mortified beyond measure at the complete disappointment of the hopes which he had entertained, and had pressed upon his countrymen as a strong argument for concession; and perceiving at last that what those, who, he must say, mislead the people of Ireland, now call justice, would, in fact, be nothing short of ascendancy,—that what they called equality, would, in fact, be a complete transfer of political power;—he could not lend himself to anything, the tendency of which would be to increase and strengthen an influence that had not been exercised for the welfare and happiness of Ireland. If the people of Ireland would be benefitted by the Bill before the House, he should consider it in a very different point of view. But in what way would it relieve the beggary and destitution which were the real grievances of Ireland, which necessarily kept the people restless, and made them the easy prey of any and every insidious demagogue; a grievance which did not proceed from Orange Corporations, or a Protestant Establishment, but which proceeded from those who should have kinder hearts? There was another Bill in prospect, which he trusted would do something to relieve the destitution of the people of Ireland, and which, therefore, should have his support; but the present Bill must chiefly be considered with reference to political power. The opposition were called Destructives, but what was the truth? Both sides of the House united, on this occasion, in destruction to exactly the same amount; the difference was in the method of re-construction. The supporters of the amendment proposed to provide for the necessities of the towns of Ireland in a manner which appeared the most conducive to their permanent welfare. The Bill before the House, after abating the old nuisances, would not be satisfied without calling them into existence again. They were told to dread the consequences of substituting any proposition for that contained in the Bill. He hoped this was an argument which would never have any influence on the decisions of the House. He trusted that the House would always know how to meet the language of intimidation. He trusted that the House would always know how to meet the menace of physical force; certainly not with contempt—but as certainly with not a jot more of concession than would have been freely given had no menace been employed. He dreaded the adoption of this Bill, much more than its rejection, because its effect would obviously be to place exclusive power in the hands of one of the two great parties into which Ireland was divided. It was the fear of such measures as these—it was the fear of dangerous concessions that sent him where he was sitting. He never for a moment believed that his right hon. Friends opposite would be capable of entering into any bargain, or contract, with any man, or set of men; but it was impossible for them to force their way to office without placing themselves under such obligations to those who entertained extreme opinions, as would make it impossible for them afterwards not to be conducive to dangerous transfers of power. Impressed with this conviction, and impressed also with the conviction that all that was valuable was at stake, he considered it to be one of those great occasions on which men of character might rise superior to the trammels of party, and must think of nothing but their country. He would not say that it did not cost him a struggle. No man of any feeling could separate himself, even politically, from those whom he respected and esteemed without a severe pang. But at this moment he should have enjoyed no peace of mind had he pursued a contrary course.

Mr. *William Ord* did not intend to follow any of the speakers who had that evening preceded him through the details into which they had entered, but should at once come to deal with some of the arguments advanced last night by the hon. and gallant Member for Launceston (Sir H. Hardinge.) That hon. and gallant Member had introduced into his speech a long extract from the Intimidation Committee which sat last year, and of which he (Mr. Ord) had occasionally had the honour to act as chairman, and the hon. and gallant Member had said, that his experience in that Committee had led him, in reference to what had been said by the hon. and learned Sergeant who preceded him in the debate, to show from the evidence taken before the Committee in question, that the employment of sectarian influence for political purposes was so general as to disqualify the Irish people for the enjoyment of that which they conceived to be their right, and would equally interfere with the proper management of their own municipal concerns. He had attended the Committee at the time the evidence quoted was delivered, and he had reperused it since its publication, and he must say, that the hon. and gallant Member, in the speech delivered last night, had selected certain parts of the evidence as to some transactions, but wholly omitted other portions which, in his judgment, the hon. and gallant Officer was bound to have mentioned. And first, with regard to the speech of Father Kehoe, reported by a gentleman who had for some time been connected with the press. The right hon. and gallant Member ought, however, to have stated that the speech or sermon, or whatever it was called, had been disavowed by Father Kehoe. Now he would take another instance in order to show the species of extracts by which the right hon. and gallant Member supported his arguments. The right hon. and gallant Gentleman had alluded to a late election at Clonmel, and stated, that it appeared from the evidence that a most respectable gentleman, a Quaker, for the sole offence of having voted for Mr. Bagwell, had been attacked in a most shameful manner, and obliged to conceal himself in his own house from the mob. This, said the right hon. and gallant gentleman, was but one instance out of many he might adduce. He would turn to the evidence upon which this statement was made, and he found the evidence of Dr. Fitzgerald, the stipendiary Magistrate, in respect to the treatment of this gentleman to be as follows:—"At the same election, a highly respectable merchant, a Quaker, after having voted for Mr. Bagwell, and wishing to avoid notoriety, retired from the Court-house; he was followed by the mob, who pelted him with mud from the Mayor's house up to the Globe Inn; he is a most inoffensive gentleman, who gives employment in his different mills and stores to upwards of a thousand persons daily. So that, notwithstanding the good which this individual does, he still became an object of popular vengeance, because he gave his vote in the manner he thought proper?—Certainly, and was called a mad dog for doing so. So that the good which this man does did not preserve him from the insult and the violence of the mob on this occasion?—It did not. On the same day his son was riding through the streets, and was attacked by the mob, pelted with stones, and two bull-dogs set at his horse?"

Sir *James Graham* reminded the hon. Member that he had omitted to read a paragraph of the evidence referring to the employment by this individual of a great majority of Roman Catholics.

Mr. *William Ord* thanked the right hon. Baronet for the suggestion, and congratulated him upon the spirit in which it was made. He would not forget it when next they met upon the border. The part of the evidence which he had read was merely for the purpose of showing that upon which the argument of the right hon. and gallant Member for Launceston was founded, and he had not conceived it necessary to read the remainder, inasmuch as the whole of it had last night been read by the right hon. and gallant Member himself. Without, therefore, again reading it, he would now state that part of the evidence which referred to the cause which had evidently led to this (he admitted) disgraceful outrage. The hon. Baronet, the Member for Oxford (Sir R. Inglis), would remember that this evidence referred to a Mr. Malcomson, whose man, a miller, of the name of Looby, was called before the Committee, and gave evidence to the effect that he had been dismissed from Mr. Malcomson's service for no other offence than having voted according to his conscience. He would not read his testimony, because, on the present occasion, the statement was sufficient that the man told Mr. Ronayne "that voting for him would be fatal to him;" that the man was not pressed to vote until late in the election; that he did vote on the last day, and was dismissed in consequence. It was lamentable, but not wonderful, under such circumstances, that this should have occcasioned the attack; and he must say, it would have been as well if the right hon. and gallant Gentleman had read against the story of Dr. Fitzgerald the story of the miller of Clonmel. That narrative was corroborated by Dr. Fitzgerald, however, in his cross-examination. Dr. Fitzgerald was asked, "Might not the misconduct of this mob to this gentleman," alluding to Mr. Malcomson, "employing so many persons, and the apparent ingratitude of Looby's voting against him, have tended to cause the dismissal of Looby for the vote he gave?" To this Dr. Fitzgerald answers:—"I have no doubt that Mr. Malcomson was very angry at the treatment he received, and which his son had received." The evidence then went on as follows:—"Do you consider the dismissal of Looby, on the part of his employer, was merely because he had voted against his wishes, or that he was exasperated against him for the illtreatment which he and his son had received at this election?—I think I have heard Mr. Malcomson express an opinion to this effect, that Looby had adopted the party that had illtreated him (Mr. Malcomson). Have you any reason to believe that Looby was at all concerned in this pelting of Mr. Malcomson?—No. Have you any reason to believe that he did any thing to offend Mr. Malcomson, except voting as you have stated?—No." Such was the evidence of the cause of this outrage, and if such were the conduct of Mr. Malcomson, though on other occasions a most amiable man, the treatment he met with was scarcely to be wondered at. The hon. and gallant Member for Launceston had also quoted a speech of the hon. and learned Member for Dublin, in which the expression was used, that "the voter who would not vote for his religion was worse than a demon from hell." These words were quoted as a further confirmation of the right hon. and gallant Gentleman's views of the mixture, in Ireland, of religious and political feelings. But the right hon. and gallant Gentleman had forgotten the period at which those words were spoken. If he had remembered it, he could not have thought it wonderful that amidst a Catholic population, at a time when the interests of their religion, the interests of religious liberty, were in danger—when there was ruling over the destinies of Ireland a Government who, in despite of the remonstrances of a Conservative and Protestant Lord-Lieutenant, appointed Orangemen to the Magistracy of a county—strong language should have been used. Was it wonderful, he repeated, that it should have been used at a time when, the Catholics knowing that the Government of that day had not discouraged the crusade which had been made into this country in order to raise up a "No Popery" cry, had every reason to suppose the Government concurred in it? He should not be justified in applying this concurrence to all the hon. Gentlemen who sat on the other side of the House, but he must say, that they stood by and, with one honourable exception, that of the noble Lord, the Member for North Lancashire, never disclaimed the attempt until it signally and totally failed, when they disavowed their bolder and more daring associates. Under such circumstances, then, was it surprising that, at this period, some mixture of religious and political feelings should have taken place; and was it for this that a large body of electors should now be deprived of their rights, or of the franchise which they believed to be their right? If such an argument was to be pushed to the extreme, it would be found that even in England popular intimidation had been exercised to a degree which might lead to the repeal of the English Corporation Act, and even of the Reform Bill itself. The plan proposed from the other side of the House went to overthrow the whole Corporations of Ireland, and to vest the management elsewhere. This was an indirect attack on the prerogative of the Crown, because if this plan were adopted, and the Corporations destroyed, the Crown could immediately grant charters to those same places without the interference of Parliament, conveying all those powers which the Government proposed. He must say, that hon. Members opposite were the last persons from whom he should have expected any attempt to trench on the prerogatives of the Crown.

Mr. *Morgan John O'Connell* would trespass on the indulgence of the House for a very few moments, on a question of vital importance to the empire, particularly to that portion of it with the representation of which he had the honour of being connected. He was struck with a peculiarity which had distinguished the progress of the debate from its commencement: that, with the exception of the speech of the right hon. the Member for the University of Dublin, none of those hon. Members who were opposed to the Bill of his right hon. Friend, the Attorney-General for Ireland, had condescended to touch upon the real question before the House. The House had heard many and bitter invectives against the people of Ireland, against their religion, and the ministers of that religion. Abundance of unsupported allegations too, had been brought forward, but the principle of the measure before the House, and its comparative merits with the proposition of the noble Lord (Lord Francis Egerton), had been scarcely adverted to. After the speech of the hon. and learned Member for Cashel (Sergeant Woulfe), it was not his (Mr. O'Connell's intention) to follow the hon. and learned Member for Bandon (Sergeant Jackson) through the statements he had submitted to the House; but he might be permitted to advert to the arguments of the right hon. and gallant Member (Sir H. Hardinge) by whom he was followed, particularly as they in some measure referred to himself personally, as one of the representatives for the county of Kerry. He would put it to the House, if that right hon. and gallant Member had made out the case upon which he relied—that the prevalence of sectarian feeling in political questions in Ireland disqualified the people from exercising a municipal franchise Did not the very letter which he had read from Lord Kenmare, himself a Roman Catholic, disprove the position he assumed, that sectarian feeling had influenced the election for the county of Kerry. But even if the right hon. and gallant Officer were correct in saying, that politics in Ireland were under the influence of sectarian feeling, would that afford any reason for refusing to grant to Ireland the advantage of a Bill for the reform of her Municipal Corporations? But the right hon. and gallant Officer had assumed another position quite as untenable; and he was the more surprised at the ignorance which he betrayed, as that gallant Member had been for some time Secretary for Ireland. Indeed, on the bench beside him, he saw no less than five Secretaries for Ireland "all in a row," and therefore felt himself at a loss to say how it was that he could have erred so egregiously on a matter of fact. The right hon. and gallant Officer had referred to a murder which had been committed in the county of Kerry, and combining the account in the newspapers, and Mr. Inglis's book of the same transaction, he had contrived to make two cases out of one. But did the right hon. and gallant officer ever consider the comparative amount of crime in the county of Kerry and other counties in Ireland? Surely, the hon. Sergeant (Sergeant Jackson), who went that circuit, could have afforded some information on that subject—could have told him that no county in Ireland was more exempt from crime than that county. Some recent instances (we understood the hon. Member to say two) of outrage and crime could certainly be pointed out; but he returned his thanks on the part of the county, to the Irish Government, and particularly to his right hon. and learned Friend the Attorney-General, for the course they were adopting, calculated as it was to put an end to crime by removing its cause. The right hon. the Member for the University of Dublin—it was really difficult to distinguish between the Members for Universities, they were both right honorable, but he alluded to the learned Doctor—had gone into some details of this measure; and in doing so had betrayed an equal ignorance of Irish statistics and the English Corporation Act. He (Mr. O'Connell) had had the curiosity to look to the English Bill, and he found that the towns in the schedule corresponding to the Irish schedule C, contained on an average 300 persons less. The average in the English schedule was 5,361, and in the Irish it was 5,643. The population of Lymington, the largest town in the English schedule, was 5,361. The hon. and learned Sergeant opposite (Sergeant Jackson) could not understand upon what principle such "miserable places" as Middleton and Belturbet, with populations exceeding 2,000, were to have Corporations. But the hon. and learned Member forgot that there were in the English Bill such places as Tenby, with a population of 1,942, and Southwold, with a population of 1,875. And for a further proof of the analogy between the two measures he would refer him to Romford, to Malmsbury, Llanelly, and Sutton Coldfield. Much had been said by the hon. Member for Nottinghamshire upon the impolicy of adopting the Bill of his right hon. Friend the Attorney General for Ireland. But there was a time when that hon. Member entertained very different opinions. The hon. Member for Nottinghamshire (Mr.

G. Knight) had, in a debate on the 5th of July, 1832, used these words: "justice demands that out of the church property in Ireland, the ministers of the national religion should receive a provision, as well as the Protestant clergymen. There is not in Europe such a monster as the Protestant establishment in Ireland."— He (Mr. O'Connell) believed that the existing Corporate system was almost as great a monster—"and I can never believe," continued the hon. Member for Nottinghamshire, "that whatever strength the government may derive from the assistance of such an instrument, it can be compared with the facilities which may be afforded by a more equitable system." The hon. Member, after some other observations, went on to say—"In expressing these sentiments, Sir, I am aware that I have said that which many will dislike to hear; but let me entreat any such hon. Gentleman to believe that to give any man pain is, and ever would be, to me a subject of deep regret. The opinions which I entertain result from no indifference to the feelings of others—no indifference to the Protestant religion; but I remember that there are six millions of Catholics in Ireland—I see that unhappy country lacerated by the conflict of two angry parties, and I am convinced that no end will be put to these worse than Theban hostilities, so long as either party has a real grievance to prolong the irritation. Other countries have gone through the same process. In Germany, the animosities between the Protestant and Roman Catholic parties were, heretofore, to the full as violent as they are at present in Ireland; but in Germany the conflict is past—in Ireland, the moment of transition is the present. Transition is never repose; struggles will probably take place; disaffection, resistance, disorder, may have their course, but in the end, if strict justice be administered to all, and all be treated with the most inflexible impartiality, I am persuaded that common sense and true patriotism will prevail over craft and passion, and that, as in Germany, the two parties, wearied of strife, will ultimately lay down their animosities and think it better to be friends."* He did not quote this for the mere purpose of obtaining a cheer at the expense of the hon. Gentleman, but to refer to the passage as illustrative of the ill-ruled condition of the people of Ireland. He was satisfied that as long as there were real grievances in Ireland, they would find that party feeling existed, and exercised a powerful sway. It had been said, that the people of Ireland were not fit to receive reform; but he recollected this argument had very constantly been urged by the other side in reference to other matters; and he remembered that the noble Lord, the Member for South Lancashire, then Secretary for the Colonies, when this was put forward with respect to the negroes in the Colonies being unfit to be raised from a state of slavery to a state of freedom, said, that "that was always the argument of bigotry against the concession of justice." He trusted that the House, by a triumphant majority, would show that it was determined to do justice to every part of the empire without distinction. And whatever might be the fate of the Bill elsewhere, he felt assured that the House of Commons would do the same justice to Ireland as to England and Scotland, and that the Corporations in the former part of the empire would be placed on the same sound system of administration as in the latter.

Mr. *Emerson Tennent* had observed, that whilst all the speakers who had taken a part in the debate on either side of the House had been unanimous in their condemnation of the abuses incident to the present Corporations in Ireland, and anxious for their abolition, not a single individual had as yet undertaken to show that the system by which it was proposed to replace them was the best that could be adopted for that purpose, and the one best suited to the wants and necessities of the cities and towns of Ireland. All parties had concurred in their condemnation of the old system; but he had not as yet heard any arguments on the absolute necessity or expediency of adopting the new one. The measure of the right hon. Gentleman, the Attorney-General for Ireland, was unquestionably calculated to effect a vast alteration in the existing system—nay, further, were it indispensable to continue Corporations at all, it was, in his opinion, in many particulars, a material improvement upon them. But the question which now agitated the country was not confined to so narrow a compass; it was not restricted to a mere inquiry into what extent of improvement the old Corporations were susceptible of; the broad important question was this, are the Corporations worth repairing at all? Were they institutions worth preserving—which, under any modification, are suited to the present state of society in Ireland? Was the Legislature, after having pulled down the ancient edifices of the Edwards and Henrys, to rebuild them on the same foundation, or to adopt the new constitutions to the peculiar demands and convenience of more modern times? Gentlemen who had preceded him in the discussion had taken a much more talented and, perhaps, more statesmanlike view of the question than it was his intention to enter upon, by regarding it in connexion with its general influence on the political aspect of Ireland, and the effects which it might be likely to produce upon the religious and social relation of parties in that country. He concurred, too, fully with what had fallen from the right hon. Baronet, the Member for Tamworth, and the noble Lord who had moved this amendment, to render it at all necessary for him to go again over that ground which they had so ably pre-occupied. He was only anxious, if the House would grant him its attention for a few minutes, to take up that portion of the subject which referred to the machinery of the Bill itself, and to express his reasons for thinking that a corporate system such as the right hon. Gentleman, the Attorney-General for Ireland, proposed to introduce, was unsuited to the purposes for which it was intended—that it would be useless and cumbrous as regarded the smaller towns of Ireland, and hurtful and injurious as regarded the interests and prosperity of the large ones. In his opinion the inquiry which the House should apply itself to was, whether it would not be wiser to deliver the towns of Ireland from the antiquated systems of Corporations altogether, and to leave them for their municipal government to the adoption of such measures as their local necessities and the more enlightened policy of modern times might recommend. There did not seem to him to be anything rash or unwarrantable in such an investigation; the results of experience in every town and city in the empire, and the different circumstances of places in which Corporations had or had not existed, justified in every way the propriety of entertaining such an inquiry. Throughout the whole contents of the elaborate and voluminous Reports of the Commissioners of Corporation Inquiry, he had been unable to discover one instance in which the prosperity and the increased wealth and resources of any one town were attributed to the existence or influence of the corporate system, however modified—whilst not only in England, but in Ireland, there was an abundance of examples of cities rising to the utmost pitch of prosperity and importance without ever having possessed, either in name or in substance, a trace of corporate government. Manchester, and Birmingham, and Westminster, were overwhelming instances in England, and in Ireland no more irresistible example could be adduced of a town rising into eminence and wealth without the slightest aid from a corporation, than the town which he had the honour to represent—the borough of Belfast. If, in the course of the few observations he had to make to the House, he should refer very frequently to the affairs of that town, he trusted the House would attribute it, not to that exaggerated importance which young Members were apt to attach to the local affairs of their constituents, but to a firm conviction that there was no observation connected with the local administration of that town which did not equally apply to other similar towns in Ireland; that for every purpose of municipal government a tested and practical precedent might be found in the system adopted in that town—a system which the House would observe was totally and entirely unconnected with the Corporation, which involved neither patronage, nor privilege, which had nothing exclusive in its operation, and which, being dependant on popular election, and open to popular control, could admit of no private corruption or abuses [*"hear! hear!"*]. Although a Corporation still exists in name in Belfast, no corporate functions of any description can be possibly said to have been discharged by it for nearly half a century; and yet, during that same period, it must be well known to the House that no town in the empire has advanced with more rapid strides to importance and affluence. In fact, so far back as the time he had named the inhabitants of Belfast, began to discover that their municipal affairs could be much better attended to, and more efficiently administered by other means than through the intervention of their corporate officers, and accordingly, by degrees, they superseded them in each department of their local government, till at length every function usually performed by a Corporation was taken out of their hands, and transferred either to the county authorities or to Local Boards elected by themselves, and responsible to public control for the efficient and equitable discharge of the duties. The Corporation, thus gradually denuded of all importance judicial or fiscal, continued, however, to be kept up, till within the last three or four years, for the sole purpose of returning the representative of the borough to Parliament, which right it possessed to the total exclusion of the inhabitants; and this privilege being at length abrogated by the Reform Bill, the Corporation of Belfast presents at the present moment the anomaly of a municipal executive literally without either functions or funds, jurisdiction or privilege, patronage or powers; and when its shadowy existence shall have been terminated by this Bill, it will not leave a single hiatus, or entail the remotest embarrassment on the affairs of the town. He (Mr. E. Tennent) had thought it necessary to mention these facts with regard to the Corporation of Belfast, as well in order to show that such institutions were not by any means essential to the prosperity of towns, as because that, as well in the discussions which had taken place in this House on this question, as in its agitation out of doors, the instance of Belfast had always been dragged in as a pitiable example of a fine town oppressed and harassed by the operation of corporate abuses. In the Report of the Commissioners it is adduced in three or four several places, as an illustration of exclusive monopoly as to privileges, and of the evils of self-election as to officers. The late Attorney-General for Ireland, in the speech in which he introduced his Bill for Corporation Reform last year, had feelingly alluded to the fact of there being, out of the whole population of fifty or sixty thousand, but six freemen to be discovered in Belfast. Whether even so many as six were to be found there, he (Mr. E. Tennent) could not, really, tell, for he had never heard of one; but this he could attest, that he never in his life had heard the remotest complaint from any individual of his being excluded from that honour. What, in fact, in such a state of things as he, (Mr. E. Tennent) had described, was an individual to gain by being admitted to his freedom? Nothing in the world. There were neither privileges nor immunities to enjoy—neither patronage nor property to share; and the inhabitants, with all their rights, on a perfect equality; and all their interests in their own guardianship, allowed the old Corporations to expire without a regret or a murmur. And now, as to the system of municipal government by which it was superseded, and which so amply attests in action the practicability of a large community governing themselves and managing their own affairs, without any Corporation, either on the antiquated or the modern model. With the management of corporate property the town had no concern, having no corporate property to manage. The only public property of any kind which they had ever possessed, were some charitable bequests in money, which being left in trust to the Corporation, had disappeared about twenty years ago, and a suit was at present pending in Chancery, with a view to discover the mode of their appropriation. With the administration of justice the Corporation had no exclusive concerns, the chief magistrate for the time being, generally holding the Commission of the Peace, for the adjacent counties of Down and Antrim, and acting at quarterly and petty sessions in conjunction with the other county Magistrates resident in the town. But as head and representative of the Corporation, he exercised no exclusive jurisdiction beyond the superintendence of the markets and the licensing of public amusements, duties which would equally well devolve on the officers of police. The administration of justice, therefore, was altogether in the hands of the usual authorities, the magistrates appointed by the Crown. Complaints, the Commissioners state in their Report had reached them of partiality in its dispensation, but these, they say, were probably exaggerated by party feelings; at all events, if any cause for them ever existed, he (Mr. Emerson Tennent) hoped it was now removed; at least, if it was not, the fault did not rest with the Irish Government, who had lately taken the matter into their own hands, and appointed four Magistrates of their own exclusive selection, two of these without the approbation of the Lord-Lieutenant of the county, and two others, he believed, without complying with the exploded ceremony of asking it. They were, however, all gentlemen of property and high respectability, and would, he (Mr. Emerson Tennent) doubted not, discharge their duties honourably and well. If examples in matters of this kind are of any importance, this instance of the powers of the Crown to apply an instant remedy for a complaint in the administration of justice in a municipal community, must surely be sufficient to justify the amendment which he perceived had been introduced into the Bill, giving to the Lord-Lieutenant the nomination of Magistrates in towns, instead of to the town-council, as was proposed in the Bill of last year. If the appointment of persons to such offices were to rest with a council chosen exclusively by one party, it was a matter of impossibility that charges of partisanship should not be brought against them by another, and what disastrous results might ensue if an appeal and a remedy were not vested in that quarter, which is constitutionally the fountain and the organ of impartial justice—the representative of the Crown. If this principle hold good in one case it was equally convincing in all analogous ones. If it applied with force to the whole Bench of Magistrates it was equally applicable to one of them, and from the conviction he could not conceive anything more mischievous than to leave this appointment of any one functionary of justice in the hands of those whose selection might be liable to a subsequent charge of partiality or prejudice. For this reason, although he approved of the amendment of this one clause, with respect to the Magistracy in general, he would never consent to the insertion of any provision in an Act which would give any popular body the election of a partisan Mayor, a partisan Sheriff, or a partisan stipendiary Magistrate, for each and all of which, there was a distinct license in the several clauses of the Bill now before the House. Nothing in the present Bill seemed to him half so objectionable as the carelessness and laxity with which it seemed to provide for the administration of justice—the dignity of a Magistrate was actually less anxiously provided for than that of the lowest citizen on the burgess poll. In order to entitle an inhabitant of one of the towns in Ireland to that distinction, he must be possessed of a residence in the borough of an annual value of at least *5l.* Ridiculous as such a sum might seem as a test of respectability for a burgess, even that paltry qualification was dispensed with for a Magistrate, nay, more, he was not required to be ever resident in the town, so that literally, under this Bill, a mendicant, without a house or a shilling is eligible to take his seat upon the Bench as a guardian of the public peace. A Grand Juror under another clause is admissible on the panel with no other qualification than the possession of a *5l.* house. Nothing could, in his mind, tend more directly to bring the administration of justice into contempt than provisions such as these, since they not only opened the door for the admission of persons unfitted by education or by influence for the office, but they likewise served, by degrading the dignity of the Bench to deter those from undertaking the duty, who, by their attainments and their character, were best qualified to discharge it efficiently. "And now as to the mode in which the other municipal functions of the town are discharged in Belfast, independently of a Corporation. These consist there, as elsewhere, of duties connected with the health of the inhabitants; such as paving, lighting, cleansing; of the supplying the town with water; of looking after the preservation and improvement of the harbour. For these several purposes the town had three local Acts of Parliament, which enabled all the inhabitants paying a certain rate of police tax, to elect, annually, from themselves three Boards of Commissioners to conduct their affairs. The police committee was chosen under one of these, by householders paying twenty pounds annual rent; the water commissioners by a still lower assessment; the Ballast Board by those most interested, the ship-owners, the importing merchants, and shopkeepers. As the duties of all these Boards involve no patronage, and entail no emolument, the appointments are either made without opposition, or if a contest does occur, it is conducted without heat or animosity, and at the present moment men of every party in politics officiate, and cordially co-operate on each committee. These three bodies, thus popularly chosen from the mass of the inhabitants, have, in every instance, the assessment, the collection, and the expenditure of the funds raised for municipal purposes, amounting to about 17,000*l.* per annum, being thus, themselves, participators in the burthens they impose, interested in the duties they discharge, and amenable to popular scrutiny and opinion for their administration; their several departments are conducted with a care, an economy, and an efficiency which cannot be questioned, and which can never be surpassed by any corpoate system, however elaborate or ingenious. The commissioners, in their printed Report, whilst they recommend a less complex machinery, in one department, have in no one case discovered or recorded any instance of inordinate expense, of improper expenditure, or imperfect operation. And all this, the House will observe, is performed without the slightest connexion with the Corporation, in certainly the most prosperous, peaceful, improving town in Ireland." The Commissioners, in the conclusion of their Report on the situation of Belfast, had given, in a very few sentences, a summary of what he (Mr. Emerson Tennent) had here stated in detail; and as the facts and sentiments which the Report contained, were valuable in proving the system of Corporations to be equally unsuitable to other rising towns, as well as to Belfast, he would take the liberty of reading the paragraph to the House:—

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* Hansard (Third Series) vol. xiv, p. 131.

> "Whilst the town of Belfast was in its infancy, and in a great measure dependent upon the protection of the 'Lords of the Castle,' the Corporation appears to have exercised the municipal power conferred upon them by Charter, efficiently, and with a view to the general welfare of the inhabitants or commonalty, represented, as the latter then were, by their Grand Jury in the Corporate assemblies. When the town and its commerce first became of sufficient importance to make them the object of legislative enactment, the Corporation was selected by the Legislature as the guardian of the interests of the wealth and population, and it continued for many years to exercise the uncontrolled management over its police and commercial regulations; but as the town increased, we find the Legislature apparently treating the Corporation as a body unsuited, from its constitution, to discharge, with efficiency and satisfaction, the important trust which had been confided to its care; and that, accordingly Local Statutes have been enacted at different periods, by which the management and control over municipal interests, have in a great measure been withdrawn from the Corporation, and vested in Local Boards, the majority of whose members are elected by the inhabitants, under the various regulations of these Statutes. Under these circumstances, we found that the Corporation had ceased to be an object of interest to the inhabitants; its natural functions had been superseded by the establishment of the Local Boards, and its monopoly of the election franchise by the Reform Act."

It was not to be wondered at, then, that the town of Belfast, thus efficiently governed by a system of its own adoption, the offspring of its own wants, and the result of its own experience, should feel a just alarm at the prospect of having its municipal regulations, the growth of half a century, wrested from it, for the purpose of forcing back upon it the old corporate system, which it had repudiated and rejected fifty years before. Besides, in such a proceeding, the operation of the measure would absolutely falsify the very principle on which it professed to be founded—that principle was declared to be the placing of the Corporations on a more ample basis, and the extension of popular influence and popular control in the management of their affairs. By the schedule appended to the Bill, it appeared that Belfast was to be provided with thirty common councilmen, who were to have intrusted to them the management of its police, paving, lighting, and watching—of its charitable trusts, and, in short, of all its internal and local interests. Now, these interests were at present watched over by a variety of Boards, elected as he had already mentioned, and comprising, one with another, between 140 and 150 persons. The functions of the entire of these individuals were forthwith to be superseded, for the purpose of consolidating their labours in the thirty common councilmen to be elected under this Bill, and yet this, we were told, was to be regarded as widening the basis of political privileges and popular control. And then followed another consideration—if at the present moment these various duties were sufficient to occupy the time and attention of 150 individuals, how could we presume that they could possibly be adequately and efficiently attended to by one-fifth or one-sixth that number of officers? To discharge these trusts satisfactorily and faithfully, would not merely require the leisure, but would actually engross the whole time of the councillors, and none but either men of independent fortune and no employment, or salaried officers, would be found competent or willing to undertake the duty. How could a Councillor possessing the requisite qualification for his office, 500*l.*, and therefore, it was to be presumed, not so independent as to be able to retire from business—how could he possibly give to public charities or to the regulations of the police, that time which justice to his family would require him to devote sedulously to his counter or his loom? Nor does the mischief and absurdity end even here; it extends wider and wider as we proceed. The persons at present attached to public functions in the town of Belfast have, as he had already stated, their duties so accurately defined, and their labours so minutely subdivided, that no one Board or one individual could be said to possess anything deserving the name of patronage or influence, or profit, from his office. But the case would be widely different when there should be concentrated in thirty individuals, not only the whole functions, authorities, and powers which are at present vested in so many persons, but likewise the new patronage created by this Bill, the appointment of mayors, treasurers, clerks, and corporate officers, the choice of sheriffs, coroners, and salaried police magistrates, the election of commissioners, and committees, and constables, as well as the granting of licences and fixing the amount of annual taxation for the whole community. Offices endowed with such powerful influence would no longer be regarded as matters of indifference, not merely from their political importance, but from their actual and substantial value. Elections would no longer be, as at present, matters of careless nomination, or of indifference, the contests for office would be set about in right earnest; labour, and time, and entreaty would be devoted to the canvass, proportioned to the importance of the appointment, and the elections for common-councilmen in every borough will be even scenes of bitterer conflicts than those for Parliamentary representatives, inasmuch as the spirit of self interest will be added to the ambition of party triumph. What, he would ask, in the midst of these tumults and strifes, was to become of the peace, and tranquillity, and union of society? And in trading and commercial towns how would the time, and attention, and passions, of the people be engrossed by such exhibitions? It was scarcely possible that Gentlemen on the opposite side of the House, who represented mercantile constituencies, who were disposed to vote for this Bill, could have examined its provisions, or understood thoroughly what it was that they were about to inflict upon the trading towns in Ireland. Why, the whole of the most busy and valuable portion of the year, if this Bill were to pass into a law, would be taken up, literally and absolutely engrossed with elections of municipal officers. From the 5th of September to the 1st of January in every year was to be one continued succession of canvassing, and contests, and elections. First, on the 5th of September the burgesses' roll, containing the list of all persons qualified to be burgesses, was to be deposited by the churchwarden in the hands of the town-clerk for public examination. This list was to be then canvassed and investigated by all concerned, between the 5th and the 15th of September, and all claims of persons omitted, or objections to parties included, and within that time to be lodged with the town-clerk. Between the 15th of September and the 1st of October, these lists of claimants and of persons objected are again to be exposed in public, for fresh scrutiny and examination. Between the 1st and the 15th of October the final roll is to be made out, each person preferring his claim or urging his objection in open court, as at a registering sessions, for the Parliamentary franchise. Between the 15th and 22nd of October the final list is to be copied into books alphabetically, and again opened for public inspection. On the 25th of October the burgesses are now to elect the common-councillors and aldermen, and this with all the paraphernalia of a county election, with booths, polling places, assessors, and returning officers, and, of course, with all the rioting and tumults attendant on such appendages. On the 1st of November two assessors for wards are to be chosen by their respective burgesses, and on the same day the mayor is to be chosen by the common-council. On the 10th of November the burgesses are again to assemble, in order to choose two auditors and two assessors for the borough. On the 1st of January Justices are to be chosen, for executing the trusts of Local Acts. In addition to all these are to be the elections in the case of casualties, such as the death, or bankruptcy, or sudden departure of the mayor, or aldermen, and common-councillors, all of which are to take place within ten days after the vacancy occurs. Then come the elections for Sheriffs on days not fixed, and for coroners, town-clerks, treasurer, and other officers, so often as vacancies occur. Thus the one-third of the entire year would be occupied from day to day with elections and preparations for elections, and over the remaining two-thirds will be spread all those which in a large constituency must inevitably arise from the deaths or casualties occurring to the corporate officers; and all this, the House would bear in mind, was to take place in the bustling streets of leading towns, amidst the hum of commerce and the peaceful pursuits of sedulous industry. Party might well, indeed, be said to be the madness of many for the gain of a few, should the population of well-ordered towns ever be induced to enter with full spirit into the endless proceedings which such a measure would institute. The consequences in any case must inevitably be, either that men would abandon their private business, and ruin themselves, by their attendance upon local politics, or else that people would shortly grow weary of such incessant and profitless broils, and then the municipal elections would fall altogether into the hands of the idle and restless, who would have no other occupation, and would desire no higher amusement. He knew that in arguing these general objections to the measure, and, above all, in resisting the establishment of a municipal Corporation in Belfast, those who were friendly to the Bill would give him little credit for sincerity, and imagine that he only concealed, under general objections, some secret apprehensions for his own individual interest in the borough. Such considerations might weigh with those amongst whose constituents a *5l.* qualification was to be introduced, but they could not, in any degree, influence him, since in Belfast the *10l.* franchise was not to be lowered; and if with that franchise the party of the inhabitants with which he was connected could, at present, carry the election of both representatives, it was not likely that their influence would be less in the choice of the municipal officers. The right hon. Baronet who had, on a previous evening stated his objections to this measure, had so thoroughly exhausted the subject, that it was difficult for any one following him to glean even a few stray arguments from a field he had so ably swept. He should not attempt to follow the right hon. Baronet into the question, either of the political consequences of this measure, or of its effects upon the social or moral condition of Ireland. In the observations he had made, he, (Mr. E. Tennent) had endeavoured to confine himself to that view of the question in which his own constituents, and the inhabitants of towns similarly situated were most nearly concerned, and he should conclude by repeating his entire conviction, that the carrying of such a Bill for Ireland would be pregnant with the most serious injury to the kingdom at large, and would entail destruction on the peace and prosperity of every commercial and manufacturing community in the country.

Mr. *Barron* thought, that the hon. Member, who had just sat down, had made a most excellent speech in favour of the principle of the present Bill, which, according to the hon. Member's statement, appeared to be already in operation in his own town of Belfast. But after the hon. Member had made his speech in favour of the Bill, he ended by declaring that he should vote against it. The hon. Member could not have read the Bill very attentively, or he would not have indulged in more than one mis-statement. The hon. Member had allowed it to be inferred that under this Bill the Magistrates would be appointed by the town-councils. He (Mr. Barron) begged to inform the House that this was not the case, but that the appointment of Magistrates was taken by it from the close Corporations, and given to the Crown. In this respect the Irish differed from the English Bill as originally passed last year. The hon. Gentleman had also said, that the control of the Courts of justice would be vested in the new Corporations. This was also in contradiction to the provisions of the Bill. The hon. Gentleman found fault with the Bill because, forsooth, the Corporations were to continue to be called by the same name. But if he had such a hatred, a hatred be it remembered, that was new-born in the hon. Gentleman and his friends on the opposite side of the House, to these civic monopolies, why not substitute for Corporation some other word which would be more congenial to his and their notions of propriety? So shocking did the very name "Corporation" appear to be to the hon. Gentlemen opposite, that they could not even bear the sound. For his part he would, with all his heart, say do away with it altogether; but he could not at the same time help exclaiming, with respect to their conduct on the present occasion, "Oh, the offence is rank." Why, was it not evident that the hon. Gentleman argued more against the use of the word

"Corporation" than against this Bill. Now, if it so pleased the hon. Gentleman, he (Mr. Barron) had no objection whatever to let the word be abolished altogether; for they all knew that "a rose by any other name would smell as sweet." If they did not wish the civic body to be called "Corporations" they might, if they liked, give them a new name. Let them be called Commissioners, or anything else they pleased. He supposed, that it was not the intention of the right hon. Baronet opposite to limit the power of the authorities which he proposed to constitute for the good government of the towns, to such trifles as lighting, paving, and cleansing. Did the right hon. Baronet forget, that improvements were constantly required to be made in towns, or was it his intention to place all such local matters in the hands of Commissioners, appointed by the Crown? What, would the right hon. Baronet, who paid such reverence to every thing that was ancient—the great vindicator of the institutions of the country in Church and State—would he allow Corporations to be swept away thus unceremoniously? Oh! hear it not. He would die rather; but the thing was impossible, for the right hon. Baronet would never do anything of the kind. Surely, the assertor of the inchoate rights of freemen would never tolerate the abolition of Mayors, Aldermen, Common-Councilmen, and all the other paraphernalia of Corporations, and place the power which they exercised at the disposal of the Crown. This, indeed, would be unconstitutional doctrine, with a vengeance. There must, however, be some civil bodies appointed for the government of towns under popular control, and, if so, why should not Ireland have Corporations as well as England? Oh! but it was said that Ireland should be deprived of the advantage of Municipal Governments, because party spirit ran so high at elections in that country. What! had party spirit never run high in any other place? Had nothing like party spirit been evinced in either England, Scotland, or even in Wales, on a recent occasion? Did the right hon. Baronet forget that he himself had been pelted with mud in the City of London; and was it not a notorious fact that cabbage-leaves and other missiles had been seen flying about the hustings in Covent-garden as plentifully as at any Irish election that had ever taken place? These assertions about party spirit, therefore, were nothing more nor less than bugbears, used for the purpose of deluding the people of England. It had, he knew, been stated by the *Morning Post*, that the Irish Members, who sat on that side of the House owed their seats to brickbats and bludgeons. They had been called "the brickbat and bludgeon Members;" and every conflict, great or small, that had taken place at any election in Ireland was blazoned forth not only in the newspapers, but in the reports which had been placed upon the table of that House, for no other purpose but to create alarm in England, and by that means prevent justice being done to Ireland. Discussion had been stigmatised as agitation; but he cared not for that, because he knew that it was discussion—agitation, if they pleased—which had wrung from unwilling hands Catholic Emancipation, Reform, and the emancipation of the slaves in the Colonies, and which had still to drag from the opponents of this Bill the same measure of justice for the towns of Ireland which had been dealt out to the English and Scotch towns. If Corporations were an object of desire to English towns, why should they not be to the towns of Ireland? It was well known that many of the large towns in this country had long anxiously wished for the advantages of such institutions, and, that being the case, could it be for a moment doubted that the privileges which Corporations conferred were highly beneficial? He would ask hon. Members opposite, not in passion, but in justice and common sense, would they refuse to the Irish people the privileges and immunities they had so long desired? Would they tell him that they could, or would, have dared refuse them to England? And would they grant to that country what they refused to Ireland? If they did, it would go forth to the Irish people, that there was one measure for the people of England, whose Ministers did not dare to thwart it, and another measure for Ireland. He would tell the House that there were men in that country who, if they should not obtain this and other measures of real reform, were most anxious to rush to extremities, who had been so long withheld that they could now hardly be restrained. He knew, that many Members of that House had been blamed by their constituents for attempting to preach moderation to them. If reform were not granted, how could they go back to their constituents in Ireland, and tell them that it had been conceded to Britain, but withheld from them? They must be mute to such an appeal—they could not answer it. They had no argument against it, and their only course would be to retire from the country, and leave it a prey to wretchedness and revolution, for to that it would come if the House went on from day to day refusing every little measure of amelioration. This was not the way to deal with the noble and generous people of Ireland. That people was as ready as the most loyal of hon. Members opposite to fight for their king and country, the laws and the constitution, if they obtained equal laws and equal justice. He was surprised that the noble Lord opposite should so strenuously support this new plan of the right hon. Baronet for the appropriation of corporate property in Ireland, and vesting it in a commission appointed by the Crown. He thought that the noble Lord had viewed the principle of appropriation with horror and alarm. He had imagined that the noble Lord would rather have had his head severed from his body than appear to countenance it. What had been the language held by the noble Lord on a former occasion, when he had introduced the Irish Parliamentary Reform Bill, and when he had so warmly contended for the necessity of acting on the same principle both in England and Ireland? His words were—" It will, I hope, be found that while, on the one hand, we have not departed from the principle of the English Bill, we have, on the other, not unsuccessfully laboured to do that justice to Ireland which we have strenuously endeavoured to do to England. We have not considered the interests of the one country as different in any degree from the interests of the other. Nothing, in my opinion, could be more mischievous and fallacious than such an idea; and I am perfectly convinced that if we wish to convert into a warm, honest, and sincere union of the heart that union which has been effected by the Legislature, that object can only be achieved by acting towards one country on exactly the same principles as those which are adopted towards the other."* With reference to the opposition to the Irish Reform Bill, on religious grounds, the noble Lord had said, " You have admitted the general proposition of an equal share of civil rights. You have affirmed that there is no distinction between the rights of the Members of the Church of England and the Dissenters—between the Protestant and the Catholic. Upon what ground, then, do you say we will not grant an equality of rights in these Corporations, but we will continue to exclude the Catholic and the Protestant Dissenter from having a share with ourselves? We will extend privileges to that individual or class, because he or they is, or are, Protestant; and we will exclude all Catholics. I say, if this is done, the Catholic question is still left behind to be settled; for in fact, this dictum is founded on religious difference. If, then, the Parliament is to act upon the principle of exclusion, there will still remain a Catholic question to be settled." And again, " If we allow the present system of close Corporations to continue, under the pretence that it is unsafe to intrust the Catholic inhabitants of the towns with the franchise, we may justly be told, that so far from making a settlement of that great question in Ireland, we have continued the grievance, and added to the insult."* He was at a loss to know how the noble Lord could reconcile this language with the course he now followed. He deeply regretted that the right hon. Baronet opposite, with his great talents, his noble independence of spirit, and statesmanlike abilities, should think it necessary to pursue the line he had taken with respect to the Bill before the House. He wished that that right hon. Gentleman had separated himself from his party after he had granted to Ireland the great, the inestimable boon of Catholic Emancipation. He wished to see the right hon. Baronet on his side of the House. He could assure hon. Gentlemen that he did not mean to be ironical. If the right hon. Baronet had taken the manly step of uniting himself to the ranks of the Liberals, he might have been the leader of the first people in the world, and the pigmy faction now around him would have been crushed by a single glance of his eye. Why should the House refuse this measure of Municipal Reform to Ireland, when they had granted to the

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* Hansard, (Third Series) vol. ix. p. 606.

* Hansard, (Third Series) vol. ix. p. 606.

Roman Catholics of that country real power and influence by the Parliamentary Reform Act? The Catholics, forsooth, were eminently fitted to vote for Members to represent them in the Imperial Legislature, but not at all qualified to vote for some petty mayor, or some petty bailiff, in an insignificant Irish borough of 5,000 or 6,000 inhabitants! With what shadow of consistency, after having granted them reform of the Constitution, could the House now refuse to grant them the management of their own petty concerns? He could easily understand why the hon. and learned Member for Bandon had followed that course, but he could not comprehend why it was adopted, by any one statesman in the House, much less by the right hon. Baronet. He had only to thank the House for its indulgence, and declare that he meant to join with those who resisted the amendment of the noble Lord.

Mr. *Clay* said, the noble Lord who had opened the debate had, in a moderate and temperate speech, fairly addressed the merits of the question, and had carefully avoided all irritating topics, and all personal allusions, which could only waste the time of the House, and prevent its arriving at sound conclusions in legislating with respect to Ireland. The same course had unhappily not been followed by the right hon. and gallant Officer (Sir H. Hardinge), who had endeavoured to turn a debate upon such an important subject into a discussion upon the character of the hon. and learned Gentleman, the Member for Dublin. He (Mr. Clay) should have thought the gallant Officer would have been ashamed to condescend to such a course. These attacks upon the character of that hon. and learned Gentleman were so frequent, that it was very clear that in the cases of a certain number these attacks in no respect injured the hon. and learned Member, and as to persons out of the House, the attacks were even more futile, as had been clearly evidenced in the high respect and consideration with which the hon. and learned Member had been everywhere received throughout the country, and most triumphantly so by a very large meeting held in the heart of London only the preceding day. He could imagine nothing more discreditable to that House than the eternal references in every Irish question to the hon. and learned Member for Dublin. In the name of common sense, why not legislate as if that hon. and learned Gentleman were not in existence? Give the Irish people justice—give them equal rights—and they would remove the only foundation upon which that hon. and learned Gentleman's importance was built. For they would render him of no use to the Irish people, by taking away the necessity for resorting to his powerful assistance to obtain that to which they were justly entitled. With respect to the proposed Bill, every person seemed to admit that the present Corporations should be done away with; the only points in dispute were, whether they should be reconstructed at all, and if so, in what form. He doubted whether, by any scheme of centralisation, it was possible to manage the local concerns of the people as well as they would manage them for themselves. In France they had an instance of how imperfectly a centralisation system worked, and in America they saw how the people's energies increased by being intrusted with their own government. He doubted, then, whether the plan of the right hon. Baronet (Sir Robert Peel) was good as a scheme of municipal government for the protection of the interests of the people. The noble Lord who opened this debate, admitted that there was a great necessity for Parliamentary Reform, but he contended that there was no necessity for Municipal Reform. He disagreed with the noble Lord entirely. He thought if it was important to give great privileges to the people, it was of at least equal importance to teach them to use those privileges wisely. The people of Ireland must be admitted to a full participation in the rights enjoyed by the people of England; and there was no better security against their not abusing the power conceded to them, than was derived from educating them in their moral and social duties, by intrusting to them local self-government. They talked of party, and of the heat and acrimony which it occasioned, as evils; but even that state of things was useful; it tended to the education of the people, by the additional interest which it imparted to public affairs. It astonished him that any one who pretended to the character of an English statesman, should have dared to propose a scheme for one-third of the subjects of this great empire, in which that elementary truth—the utility of the habits of self government—was not fully admitted. He contended that it was absurd to talk of our Protestant brethren in Ireland being oppressed by the Roman Catholics, especially when they were told that the great bulk of the property and intelligence of the country was possessed by the Protestants. If the tables—as it had been said would be the case—were turned, and there were one year of oppression; if there were a single case of the oppression of a Protestant by the Roman Catholics, it would arouse that spirit in England which the antiquated howl of "No Popery," and the mission of the apostles of religious agitation had failed to excite. As to the election of the Sheriff, he agreed with the noble Lord (Lord Howick) that it was liable to objection, and that it would be better to vest the appointment in the Crown. He had troubled the House with these observations, thinking it the duty of English Members, and Members independent of the Government, to come forward and declare their opinions on such questions as that now under consideration.

Sir *James Graham* said, that the present was a question on which he could not reconcile it to his conscience to give a silent vote. He therefore rose at the present hour to take a share in the debate, as he was afraid that he could not entitle himself to a hearing if he were to defer his observations to a later period of the evening. He considered the subject matter of this debate as one of great importance; for, though it appeared to be greatly narrowed since it was first introduced to the notice of the House, though several points of no inconsiderable moment had been conceded on the other side, he could not help suspecting that, when they came frankly and honestly to declare their opinions, it would turn out that under the surface there lurked a principle connected with the present state and future government of Ireland which constituted the chief barrier between the two great parties into which this country was now divided. It was on that ground that he was particularly anxious to express the opinions which he had formed on mature and deliberate reflection. Before he proceeded to express those opinions, he would take the liberty of adverting to the observations with which the hon. Member for the Tower Hamlets had commenced his speech. The hon. Member had commented on something which had fallen last night from his right hon. and gallant Friend, the Member for Launceston, and which, he said, looked like an offensive personal attack upon the hon. and learned Member for Dublin. He was satisfied that he was speaking the sentiments of his right hon. and gallant Friend—he was sure that he was speaking his own—when he said that that hon. and learned Member was, without any exception, the last man in the House on whom either his right hon. and gallant Friend or himself would intentionally make either a personal or an offensive attack. But, at the same time, it was impossible, considering that the hon. and learned Gentleman occupied a very large space in the eye of the country, and that he was closely connected with every discussion bearing on the present state of Ireland and on its future government—it was impossible, he said, for Members of Parliament delivering their sentiments frankly and plainly, and in no other manner was it consistent with the honour of a Member of Parliament to speak, to meet discussions on Irish questions without adverting in the course of them to the position in which the hon. and learned Member stood in Ireland, and to the line of conduct which he deemed it consistent with his duty to adopt. He was convinced that the hon. and learned Member was so well acquainted with the rights which grew out of the freedom of discussion as to be the last man—so long as the mention of his name and the comments on his conduct were confined within the limits within which all Gentlemen in that House were compelled to confine their observations—to complain either of the mention of his name or of the discussion of his conduct. He should now proceed with his arguments; and in doing so, he would claim for himself, once for all, the privilege of using the indulgence of the House—which he would not intentionally abuse, in discussing this great question—in alluding not only to the position which the hon. and learned Member occupied in Ireland, but also to what he had said, and to what he had done there. Before he proceeded further, however, he would disembarrass himself of some points of no mean importance. When his right hon. Friend, the Member for Tamworth, opened the discussion on this subject, he had divided it into three great heads, to which his noble Friend, the Secretary for Ireland, had last night adverted. The first related to the administration of justice; the second to the control and direction of the police; and the third to the administration of the corporate property. His noble Friend, the Secretary-at-War, had intimated last night, if he heard him correctly, that so far as regarded the first head—he meant the administration of justice—there was no real difference now left between the two sides of the House; for the objection which his right hon. Friend, the Member for Tamworth, had taken to the proposition for appointing Sheriffs by popular election, had been virtually, if not entirely, conceded by the noble Secretary-at-War. The hon. Member for the Tower Hamlets had that very evening told them, that he had himself very great objection, to Sheriffs popularly elected. If he were inclined to press authority into the support of his argument on this point, he could find it in the Report of the Commissioners appointed to inquire into the state of Municipal Corporations in Ireland. In that Report, to which the first name subscribed was that of Mr. Justice Perrin, the late Attorney-General for Ireland, he found the objections against the election of the Sheriffs of cities by a popular constituency urged as strongly as words could express them. He would read a short extract from that Report:—

> "The great importance of the duties intrusted to Sheriffs, in relation to the administration of justice, and the extent of interests involved in their due exercise, especially in the metropolis, almost demonstrate that such corporate bodies as we have described, limited in numbers, sectarian, exclusive, and often intolerant in opinions, ought not to have the appointment of officers intrusted with these duties. Confidence and faith in the impartiality of the officers and ministers of the laws are necessary, as well to insure due respect for the tribunals by which they are administered, as to protect the laws themselves from suspicion and contempt. That such confidence is not generally placed in the conduct of Corporate Sheriffs in Ireland, in reference to the selection of Juries on political occasions, is matter of notoriety."

The Report then contained a recommendation almost identical with that made by his right hon. Friend, the Member for Tamworth, namely, that henceforth the appointment of Sheriffs should be placed under the increased control of the Crown; for the Report proceeded :—

> "Whether a better system may not be adopted by the removal of the prominent defects of the corporate institutions, and placing this branch of the general administration of the law in hands more directly responsible for its faithful exercise, we humbly submit to your Majesty's gracious consideration."

He could not desire words more stringent or more conclusive upon this subject than those which he had just quoted from the Report of the Commissioners. But he was disposed to think, that this point was settled, and that the Sheriffs in the corporate towns were not to be elective. There remained, then, another question as to the Magistrates who, according to the Bill, were to be annually elected. He thought that his noble Friend, the Secretary-at-War, had said last night, that that point was open to discussion in the Committee, and had intimated, that he was rather favourably disposed to the opinion that the Magistrates of these new Corporations ought not to be Justices of the Peace. With regard to the number of them, it had been said, that there were only fifty-four towns in which there were to be Corporate Magistrates; but by the 139th clause of this Bill, it was provided, that on the petition of the inhabitant householders of any town in Ireland, without reference to their number or respectability, it should be lawful to his Majesty to grant a Charter of Incorporation to that town without reference to its size or population. In all such cases there must be a Mayor of such town, and under a subsequent clause, a Magistrate. The hon. and learned Sergeant, who had spoken for the first time last night, seemed to think that the power of a single Magistrate could do but little. He could only fine—he could only imprison—and the hon. and learned Sergeant had then added, "if he is not responsible directly to the Crown, he can be made responsible to those whom he injures, by a criminal information in the Court of King's-Bench." Now, let it be recollected that this Corporation Magistrate only held his authority for the period of twelve months, and that if he misconducted himself, the remedy was the filing of a criminal information in the Court of King's-Bench. He could not tell exactly how great the rapidity of the law was in Ireland, but unless it was much greater than it was in England, he was afraid that this filing of a criminal information would afford a very tardy remedy. Before it arrived, another Magistrate, chosen by the same constituency, influenced by the same feelings, and acting under the same prejudices, would be seated in the chair of justice, and in his brief authority might play off fantastic tricks before high Heaven. The filing of a criminal information would, therefore, be a mere empty remedy—a *telum imbelle sine ictu.* As then with the Sheriffs, so with the Magistrates, the power of election should, in his opinion, be vested in the Crown. He would suppose for a moment that Ministers were prepared to give way on this point. Then, if they were so confident that the state of Ireland was perfectly identical with that of England, and that they might establish the same principles of government in both, why did they flinch from giving full effect to their own principles? In passing, let him observe that hon. Gentlemen on the other side of the House talked of some new-born distrust on this side of the House of the existing Corporations in Ireland. In consequence of that taunt, he would ask, whether there was not the same new-born distrust as to the efficacy of the elective Magistracy on the part of hon. Gentlemen on the other side of the House? Was it possible that he could forget—was it possible that the House could forget, the numerous divisions which had taken place during the passing of the English Municipal Reform Bill, as to the expediency of letting the town-councils nominate the Magistracy? Was it the intention of Ministers that the Sheriffs of counties of cities should be nominated and elected by the town-councils in Ireland, or was it not? If it was their intention, then the arguments of his right hon. Friend, the Member for Tamworth, must prevail, and the House must consider the administration of justice in Ireland to be tainted in its very source, and that all the arguments held to be valid against the appointment of Sheriffs, must, *à fortiori*, be conclusive against the election of Magistrates. If, however, such were not their intention, then they were abandoning an important part of their measure, and they were met with the recoil of the argument, that there was some lurking conviction in their minds that it was not safe to legislate for both countries on the same principles, and that elective bodies in Ireland were not to be trusted in the same degree in which they could be trusted with safety in England. He would also remark, in passing, on some of the minor details of the Bill:—First of all the alteration in the qualification, as compared with the qualification fixed in the English and Scotch Municipal Reform Bill, was a very important feature in this Bill. Reference had been made in the course of the debate to the very able work of M. de Tocqueville on America, which had brought vividly to his recollection a passage in that ingenious publication on the effects of lowering the franchise, which he considered to be very important, and of which he would state from memory the substance to the House. M. de Tocqueville observed, that in a state where democratic feeling prevailed, if the Legislature once began to lower the franchise, there was no stopping; it must move on in the same direction. All the arguments which reason and experience might advance were as nothing against the descending scale, and after you had once commenced to descend, you must go on until you reached universal suffrage. With that observation fresh in his mind, he looked with no inconsiderable anxiety to this alteration in the municipal franchise. The principle of the measure introduced by Ministers was, that it was necessary in legislation to proceed identically with all the three nations which formed the British empire. Now, what was the municipal franchise in England? The municipal qualification in England was a residence in the town for the uninterrupted duration of two years and a-half, accompanied by the payment of all rates and taxes which became due during that period. [*The hon. Member for Dublin here yawned aloud.*] He begged the hon. and learned Member's pardon, but he hoped, that if he could prevent it, he would not again subject him to so unseemly an interruption. He contended that the qualification so restricted in England was equal to the qualification of a 10*l.* house. In the smallest boroughs of Scotland the political and municipal qualification was the same. In the whole of Scotland there was no such thing as a 5*l.* qualification. He was sure that hon. Gentlemen would recollect that it was matter of discussion in that House whether they should make the tenure of a 5*l.* house the qualification in Scotland.—What was the objection urged against that proposition? Nothing else but this—that if you once let in a lower qualification for your municipal elections, you will soon be compelled to let in a lower qualification for your Parliamentary elections. Now this Bill reduced, by one-half, the municipal qualification which Parliament had fixed for Scotland. Where then was the identity of legislation for the two countries? There was another consideration of the same nature, which bore directly on the administration of justice in Ireland, and the concession which Ministers appeared inclined to make on the subject of the Magistrates and Sheriffs in the corporate towns did not bear at all on the consideration to which he was about to allude. Here was an important reduction of the qualification of a juror in all corporate towns and cities throughout Ireland, for by the Act for consolidating and amending the laws relative to jurors and juries in Ireland, passed in the 3d and 4th of William 4th., the qualification of a juror was the occupation of a house and tenement of the clear yearly value of 15*l.*, or the enjoyment of a personal estate of 100*l.* Now, as every burgess on the roll of municipal electors would be entitled to serve as a juror in that corporate town, it was clear that where the municipal qualification was a 10*l.* house, there a municipal elector would be entitled to act as a juror, who had not the 15*l.* qualification, and so, too, where the municipal qualification was only a 5*l.* house. Now, there could be no doubt that this bore directly on the administration of justice, and lowered throughout every corporate town in Ireland the qualification on which jurors were elected. He would not weary the House by dwelling further on the details of this Bill; for he admitted that he was not so competent to grapple with it in details as many hon. Members who had addressed, and who, in all probability, would address them.—But he could not fail to ask himself this question—"Am I not now called upon to legislate on an important matter for a country whose condition is altogether anomalous, where the great mass of property belongs to one religion, and where the great mass of the population belongs to another?" On the one side there was great landed property, hereditary wealth, refinement, education, luxury, the daughter of long and uninterrupted enjoyment. On the other side there was an overwhelming mass of the population rising in intelligence and wealth, but still, in its lower grades, oppressed by ignorance and poverty and want, and stimulated by an ardent desire to acquire, which is more powerful than the resistance to retain. On the part of the property of the country there was the Protestant religion, adopted from rational conviction or from hereditary prepossession; on the part of the population was the Roman Catholic religion exercising its wonted influence over the heart, the conscience, and the judgment of its millions of adherents. Such a state of things existed in no other country in the world. History and experience afforded no light by which to steer; the case must, therefore, be dealt with specially, and in reference to the peculiar circumstances of the times. The hon. Member who spoke last but one said that Municipal Reform had worked well in England, and that it must work equally well in Ireland—that no deliberation was requisite on such a point, for what had been granted in one case must be conceded in the other. Now he contended that such a proposition was most degrading to the science of government. What were the qualities that ennobled that science? Prudence, foresight, quick perception, sound judgment, discretion in choosing between conflicting difficulties, courage in adhering to the right choice when made; and in answer to the taunting cheer, he would add, magnanimity in abandoning a course which experienced proved to be erroneous. Those were the qualities which in his humble estimation dignified and adorned the science of government; but, on the other hand, they dwindled into insignificance, and must be discarded as useless, if once the position were admitted, that because a rule had in one case proved useful, it was necessary in all; and if any system of measures, found salutary in one set of circumstances, must therefore, of necessity, be adopted as applicable to another case, which, though similar in some respects, was essentially different in other most important particulars. He could not better illustrate this than by referring to a subject on which they had lately legislated in England with very great success. He spoke with confidence on the point, because he had the satisfaction of hearing from all parts of England testimony completely demonstrative of the great advantage which had already been produced by the measure to which he alluded. They legislated, two Sessions ago, on the subject of the Poor-laws for England, and, as he had said, successfully; but did it follow necessarily that the same system of Poor-laws was applicable to Ireland? The right hon. Gentleman, the Chancellor of the Exchequer, would no doubt answer that the machinery by which that Bill was so effectually worked—the guardians appointed by the rate-payers—the overseer habituated to the management of the poor—the active control over the distribution of the fund on the part of those, who contributed to it,—all these were wanting in Ireland. Talk of advantage derived in England from such a state of things; that did not convince him that because successful here it was therefore applicable to Ireland. That was an exact illustration of what he contended for. He called, therefore, on Ministers to be consistent. The doctrine that what was good in one case must of necessity be good in another, without reference to circumstances, was in medicine the doctrine of empyrics; in politics the doctrine of pedants and impostors. He said this without hesitation, because such had not been the principle or practice of the Legislature, much less was it characteristic of the counsels of the noble and right hon. Gentlemen who were now the responsible advisers of his Majesty. He would appeal on this occasion to his noble Friend, the Secretary of State for the Home Department, and he would ask why, having introduced the great measure of salutary Reform, which had been extended to Ireland, his noble Friend had not carried to that country the principle of annual registration of voters? Had he not some misgivings that it would have been productive of disturbance in Ireland? Why had not the principle been introduced of taking the poll in different places throughout the country, in order that it might be finished in two days? Was it not distinctly and avowedly for this reason, that, in the unfortunate state of Ireland, it was necessary constantly to secure free access to the poll by the military force? It was not prudent to disseminate places of polling throughout the country, because it was not prudent to scatter our military force; and upon the whole, it was decided to be more convenient that the election should be prolonged, rather than that the poll at such hazard should be concluded in two days. Reference had been made in the course of the debate to another point, on which there was a variance most marked between the legislation of right hon. Gentlemen opposite on the Treasury Bench with respect to England and Ireland. The Civil Process Bill had been mentioned, and it was stated very correctly by a learned Sergeant, who addressed the House last evening from that (the Opposition) side, that there was in Ireland this great anomaly on a point where of all others the intervention of a Jury was of the greatest importance to the weaker party, that in an action of ejectment between landlord and tenant the barrister had a power of awarding damages against the tenant without the intervention of a Jury to the extent of 50*l.* ["*No, no,*"] Why, had not an Act passed to enable the assistant-barristers to award damages against the tenant to the amount of 20*l.*? and had it not subsequently been extended to 50*l.*? He might be wrong as to the amount of damages, but he was not mistaken as to the substantial fact. Whatever circumstances might have led to such a state of things, whatever mistrust had occasioned it, true it was, that the assistant barrister was invested in actions for ejectment without trial by jury with that extraordinary power. The hon. and learned Member for Dublin in 1825 had been asked, before a Committee of the House of Commons on the state of Ireland, what his opinion was with respect to the Civil Process Bill, and his evidence was to this effect—"I am in my conscience convinced, that if a statute were enacted to discourage virtue and encourage vice it would have been ingenious indeed to discover a better system for that purpose than the assistant-barrister's court. When questions are tried by a Jury a bonus is held out to men of good character, they obtain credit on it, and trial by Jury stamps character; the Civil Process Bill takes away trial by Jury—it takes away from the value of character, and encourages a flippancy of swearing." The hon. and learned Gentleman still retained his opinion—trial by Jury was an invaluable right; yet there were some particular circumstances with respect to Ireland which had led the Legislature of this country to consider the Civil Process Bill as on the whole advantageous there, although it had not been introduced here, and leave had actually been given in this very Session to the hon. Member for Galway to carry the principle of that Bill still further. He did not know any point on which the Magistrates were more fastidious and jealous than as to the right they had of choosing their own chairman at Quarter Sessions, yet there was a sharp altercation the other day between the Secretary for Ireland and the Magistrates in the King's County, with respect to the exercise of that every-day privilege in this country; it had been contended there that the assistant barrister ought, as a matter of course, to have been appointed. He would not touch on the question of the choice of Sheriffs independently of the opinion of the Judges, and the remission of sentences, not only without their sanction, but in opposition to the Judges such as had recently taken place under the Government of Lord Mulgrave. He spoke in the presence of Secretaries of State, and he believed in regard to the latter point there had never before been any example of such a proceeding. He would not dwell on the point so ably taken up by his right hon. Friend, the Member for Tamworth, with regard to the Government Police Bill, which was utterly inconsistent with the whole course of legislation, as to the constabulary force in England. It was not by the Crown but by the Magistracy that the constabulary was appointed in England; and now the Ministers laid upon the Table of this House a Bill which took from the Irish Magistrates those appointments, and vested them in the Crown. That Bill dealt with the police force in quite another character. It was however, to be remarked, that although in the English Bill the control of the police was in the municipal body, yet that in this metropolis the police were at the disposal of his noble Friend the Secretary of State. He now came to another part of this question, in referring to which he should have to allude to the history of the Coercion Bill. In 1834 it was admitted that prædial agitation existed in Ireland, that agitation prevailed in that country on the subject of the payment of tithes, and it was also suggested that considerable agitation prevailed on the subject of repeal. Now what was the case at the present moment? The agitation had changed its name; it was then prædial agitation, and now it was termed by his noble Friend, the Secretary for Ireland, agrarian outrage. Agrarian outrage prevailed still in Ireland. But he must be allowed to call the attention of the House to what the Lord-Lieutenant of Ireland, in April, 1834, wrote on this point, for it was impossible to conceive words more emphatic, more just, or more applicable, whether to prædial agitation or agrarian outrage, coupled with agitation on the subject of tithes and the repeal of the Union, whether suspended or in active operation. "Those disturbances," said Lord Wellesley. "have been, in every instance, excited and inflamed by the agitation of the combined projects for the abolition of tithes, and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude that his Majesty's Government should fix the deepest attention on the intimate connexion marked by the strongest characters, in all these transactions between the system of agitation and its inevitable consequences, the system of combination leading to violence and outrage; they are inseparably cause and effect. Nor, can I (after the most attentive consideration of the dreadful scenes passing under my view), by any effort of my understanding, separate one from the other in that unbroken chain of indissoluble connexion." Such was the opinion of the Lord-Lieutenant of Ireland. What was the opinion of Lord Grey, the head of the Government—not of the Government of which his noble Friend (Lord Stanley) and himself had been Members, but the head of that Government purged and purified of its dross by our secession; yet, notwithstanding the sinister influence which such humble individuals as his noble Friend and himself could be supposed to exercise over so eminent a statesman as Lord Grey, what was the opinion he stated in the House of Lords after we had ceased to be his colleagues? Could any man dissent from this paragraph? "It was not the part of a wise legislature, or a just and humane man to legislate against the victims of delusion, but let those escape scot-free who of late years have pursued a course of agitation in Ireland? He would not have proposed the bill against public meetings, but that he felt cause and effect in such matters, should not be to enact severe laws against such crimes as had unfortunately been witnessed in Ireland, and to neglect taking measures which might in a great degree meet the cause which had produced them."* That was the opinion of Lord Grey on the 1st of July, and entertaining that opinion, the noble Lord retained the clause of the Coercion Act, which affected public meetings. By a remarkable disclosure made in that House by Lord Althorp, they were let into the secret of the divisions which took place in the Cabinet, and there was no doubt the list of those divisions as given by the noble

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* Hansard, vol. xxiv. (New Series) 10 to 24.

Lord was much more accurate than some lists of the divisions in this House under the new system which had recently been adopted. What was the language of the noble Lord? He said, on the 9th of July —"When the renewal of the Coercion Bill was first brought under the consideration of the Cabinet, I felt it my duty to concur in the renewal of it, with the omission only of those clauses of it relating to Courts-martial. I hope I need not say, that I did so with the greatest reluctance, and that nothing would have induced me to do so, but my conviction of the absolute necessity of the case." He was sure the House would give his noble Friend the fullest credit for that assertion; and deep indeed must have been the conviction of the necessity which could have induced his noble Friend to give his consent to a measure involving so great a violation of all the principles of constitutional Government. Afterwards," continued his noble Friend, "private and condential communications, however, from the Lord-Lieutenant of Ireland to individual Members of the Government, brought the subject again under the consideration of the Cabinet in the week before last. From the nature of these communications, I was led to believe that the three first clauses of the Act—those, I mean, which refer to meetings in the parts of Ireland not proclaimed—were not essentially necessary, and that they might be omitted from the new Bill without endangering the peace of Ireland. Under this impression, I objected to the renewal of those clauses. My right hon. Friends, the Members for Inverness, for Cambridge, for Edinburgh, and for Coventry, coincided with me in taking that course, and in making that objection. I need not state, to the House that we were in a minority in the Cabinet. The Cabinet decided against us, and we had to consider whether we would acquiesce in this decision, or whether we would break up the Government. We decided that it was our duty to acquiesce*." In a few days, however, they thought differently, and broke up the Cabinet—the fall of Lord Grey was the inevitable consequence. The present First Lord of the Treasury, the present President of the Council, the present Chancellor of the Exchequer, the present Secretary of State for Foreign Affairs, and the noble Lord, the Secretary of State for the Home Department, were, in July, 1834, of opinion, that with a view to the safety and tranquillity of Ireland, it was necessary, not only that a Coercion Bill should be introduced, but that it should contain certain clauses prohibiting public meetings for petitioning against grievances. It was for them now to show the great difference in the position of affairs in that country, which would explain or vindicate to the House and the country the altered course of conduct which they had now determined to pursue. No doubt it might be said, after all, they had abandoned the intention, and that when Lord Grey seceded from office, another Bill was introduced, into which the anti-meeting clauses had not been introduced; but still it was undeniable that an Act of an extraordinary character remained on the Statute-book, and would continue in force four years to come, which had been introduced by Lord Melbourne, and almost the whole of his present colleagues, imposing most material and essential restrictions on the constitutional rights of a free people. What was the purport of that Bill? It gave the Lord-Lieutenant the power of proclaiming any district under certain forms. What was the effect? That no man should be absent from his house between an hour after sunset and an hour before sunrise without being subject to domiciliary visits, and if found absent, he should be convicted of a misdemeanour, and subjected to punishment. That measure had passed by acclamation; the hon. Member for Dublin even had not objected to it. Of this he was at least certain, that the opposition of the hon. and learned Member was of so qualified a nature, that it entirely escaped his observation. Now, it should be remembered, that in the King's Speech in 1833, the following passage was contained in reference to tithes:—"For the further reforms that may be necessary you will probably find, that although the Established Church of Ireland is, by law, permanently united with that of England, the peculiarity of these respective circumstances will require a peculiar consideration." Now, how did the Ministers deal with that? They introduced the Appropriation Clause. And when the Opposition contended against it, they did so on the ground that it contained a principle which was applicable to England. How were they met? By the denial that what was fit and suitable legislation for Ireland, could comprehend or be considered applicable to any state of affairs likely to occur in England. They would not now involve themselves in an absurdity—they would not now argue, that it would be dangerous to refuse to Ireland what had been granted to England—they would stand upon the distinction which they themselves had made. At least, for his part, he would argue, that if what was done for Ireland was not to be applicable to England, then, what was considered advantageous for England, he should contend was not an argument for what they were bound to do for Ireland. If the Ministers were not bound by their own arguments—if they did not believe that legislation for Ireland was not to be a precedent for England, nor legislation for England made it imperative upon them to pursue the same course for Ireland—even if they would not be true to their own doctrines—then he would tell them to look at the remarkable state of things admitted by themselves to exist in Ireland. He had been greatly struck, in the discussion upon the Exchequer process a few nights since, when the right hon. Member, the Attorney-General of Ireland, in speaking of Exchequer processes, said, that in Ireland there was nothing peculiar in the resistance given to the service of tithe processes, as it would be the same thing with rent—that it was, in fact, usual in that country to resist law processes generally. Now, could what was admitted thus for Ireland, be said of England? A man serving a legal process in this country would not be resisted. It had been said, and said truly, that "in England the staff of the constable has more power than the bayonet of the military." The Attorney-General admitted that the service of process for rent and tithes was equally dangerous to the party executing it in Ireland; and as a comment upon the statement of the Attorney-General, he had read, within a day or two, that a man serving processes for rent had been actually shot dead in Ireland in the noon-day. His right hon. Friend, the Member for Launceston, had touched on a point, to which he was about to allude, in a manner so congenial to that which he would wish to adopt, that he was almost afraid to follow him; he could not, however, refrain from referring to the letter of the hon and learned Member for Tipperary. Of that letter, he felt bound to say, that there could not be one more honourable to the writer — there could not be one which displayed more strongly the terms of good neighbourhood upon which the hon. Member lived with a clergyman of an opposite persuasion; but still that letter contained within itself an alarming truth. It said to the clergyman thus:—"I am your friend, your neighbour; I admit that this is a legal debt, but such is the state of public affairs, that I appeal to your better feelings, to the kindness of your nature. You know I cannot comply with the law, I cannot pay my debts and your dues, without losing my seat." This is the painful truth which the hon. and learned Member for Tipperary discloses. They had been told that it arose from the diseased state of society in Ireland. He might venture, by the introduction of one topic, the Carlow election to show to what they were to attribute that diseased state of society; and he should do so, but that it was connected with a judicial inquiry still pending. [Mr. *O'Connell:* It is closed.] He considered that he would be guilty of a gross violation of duty and justice if he touched upon that point before the presentation of the Report of the Committee. It could not be denied that there was a diseased state of society, and there was danger in such a state of society, if the Legislature ventured to permit the democratic tendencies to extend further. With regard to this point, it had been said, that evils were to be remedied by further concessions. Concession was declared to be the panacea for such evils. Now, he did not wish to speak in an offensive manner to gentlemen of the Roman Catholic persuasion, with regard to their priesthood, but it must be remembered that, before Emancipation had been granted, great anxiety prevailed upon this subject. In the course of the inquiry in 1825, before a Committee of the House of Commons, over which the Secretary of State for Foreign Affairs presided, the hon. and learned Member for Dublin was examined, and he was asked this question:—

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* Hansard (New Series) vol. xxiv. p. 1337.

"Do you conceive that this influence of the Catholic priesthood in election matters, would continue in its present state if the question of emancipation were carried?"

Now, mark his answer:—

"I am convinced it would be totally at an end, by carrying the question of Emancipation; the causes which gave it efficacy at this moment, would thereby totally cease, and the effects would follow. There is not anything like a blind submission of the Catholics to their clergy, not at all.

"Does your mind suggest any other cause which could survive the carrying the Catholic question, that could give to the Catholic priesthood the power of influencing the electors?—No."

Then the hon. Member entered into a statement, which, unless the House desired it, he should not read—but he was most willing to read it—lest he should be charged with garbling the evidence. The hon. and learned Member for Tipperary was examined the same year, by the same Committee. This is his statement before that Committee:—

"Have not cases occurred recently, in elections for counties, in which the influence of the priest has been very greatly exerted?—No doubt about it; but the influence of the priest in elections arises from the question of Roman Catholic Emancipation and none other. It is in reference to that question that it is exclusively exercised. If a priest came forward at an election, and directed the people not to vote for any man who would not support Parliamentary Reform, the people would not listen to him; but when he tells them not to vote for any man but who will support the Catholic claims, he makes an appeal which, in my opinion, is justified by reason and sound sense; he could not, I think, produce any impression on the lower orders, except on some subject immediately involving a religious question, and not collaterally connected with it."

These, it was to be observed, were the opinions of the hon. and learned Members for Dublin and Tipperary before Catholic Emancipation was granted. Now he should call the attention of the House to what had been the conduct of the Catholic priesthood almost immediately after the passing of Catholic Emancipation. He would not upon this point give evidence that was tendered before the Intimidation Committee. This was the evidence before the Committee in 1832, and of which the Treasurer of the Navy was the Chairman. The gentleman called before them was favourable to the Catholic claims; he was possessed of an independent fortune, and resided in the county of Meath, his name was Mr. Napper. This is what he states of the Catholic clergy:—

"Upon the whole, has their conduct, according to your view, tended more to promote or lead to the disturbance of the peace of the county, upon a fair view of their conduct?—I think their conduct generally has tended to promote a very great degree of excitement and agitation.

"How long since you have observed that in your neighbourhood?—It existed to some degree when I first came into the country.

"Has it increased very much of late?—Very much.

"Within what time?—I should say since Catholic Emancipation was granted.

"Do you think that since then the priests have taken a more active part in politics than they had done before?—Decidedly.

"Do you think that has led to the increase of the excitement you have observed?—Certainly."

It was not his intention to go through the sermons of the priest, to which their attention had been already directed; but there was one fact which was very remarkable, and that had been stated before the Committee in 1832. It was the language addressed to a portion of his Majesty's army, and in the hearing of a British officer. He read this the more readily, because the priest, who was stated to have used this language, had been called before the Committee and confronted with the officer; and with the slight exception of the word "boys," he did not deny the address which he had then made. It should be remembered that it was said that the Catholic priests would not interfere with politics after Emancipation had been carried, and also that they bore no hostility to the Protestant Establishment. At Castlepollard chapel, Ensign Matson, of the 59th regiment, stated that he heard these words addressed to the congregation by the parish priest from the altar:—

"I will tell you what it is, boys, the tottering fabrics of the heretics are falling about their ears, whilst the Catholic religion is rising in glory every day. Ireland was once Catholic Ireland, boys; it will, and it shall, be Catholic Ireland."

Was it possible to conceive words stronger than these?—[Mr. *Henry Grattan*: the army was not present.]—He was most willing to refer to the testimony given before the Committee. He wished to state nothing but what was the fact, and he certainly should not desire to rely upon mere hearsay evidence, but the ensign, who heard those words, and the priest, who uttered them, were both examined by the Committee, and their evidence is on record. He should read a short passage from the evidence given before the Intimidation Committee. The right hon. Baronet then read the following passages from the evidence of Mr. Carroll:—

"Did you see also the priests at the Assizes coming into the courts, and making themselves there very active, and at Petty Sessions equally so?—I have seen them at every assize and at every Quarter Sessions, and every Petty Sessions, and always attending when there is any trial of a political nature going on.

"So that the interference of the priests is shown not only in canvassing, not only in making speeches on the hustings, not only at the altar, not only at the registry, but also in courts of justice, where they are equally busy?—They are equally busy in all the ramifications of society, so far as I have seen myself, and I have witnessed as much as any man in the county of Carlow; even the professional is not sacred from invasion when it suits their purposes."

Something had been said about the power of taxation being vested in irresponsible hands; he would now read the account of a very remarkable instance of taxation, certainly not in responsible hands; it was given in the same gentleman's evidence as follows:—

"Are you aware whether many of the Catholic clergy are in the habit of raising contributions for the purpose of elections, or for paying the expenses of individuals, who, in consequence of their acts at the elections, are liable to penalties for infringing the law?—I am aware of that, and I will state what I know on the subject. I have been told by several farmers who complained to me of the great grievance of being obliged to pay rent, and all taxations, direct and indirect, that they should have another tax to pay for contested elections; and they complained to me bitterly that the clergy used to read their names out from the altar, attaching sometimes 2d. an acre, 3d. an acre, or 4d. an acre, on each man, which he should pay. On one occasion, Cummins refused paying that tax so affixed to him; and for daring to refuse compliance with the priest's mandate, his name was read out from the altar."

Some hon. Gentlemen opposite might perhaps be inclined to object to the evidence given by Mr. Carroll; he would, therefore, now refer to the evidence of Mr. Singleton, a stipendiary Magistrate still employed and trusted by his Majesty's present Ministers, whose evidence could not be called hearsay evidence—the circumstances being those which he saw himself, and in which, in fact, he was a party. He was questioned upon the subject of the late election for Queen's County, and his evidence was as follows:—

"Could the voters have been brought up unless they were escorted by military?—No, they would not go; and such was their terror, that they requested they might be conveyed by night.

"So that in general they were escorted by night?—Yes; previous to the first day's polling a number of voters assembled at the house of Mr.——, of ——, a Magistrate of the county, for protection; and from his house I myself removed them under the escort of the military by night.

"From what you have seen of England and the north of Ireland, and have read of other countries, do you conceive that such a state of society exists in any other part of the world?—No, nor would it be there, except for the deep organization and confederacy of the people."

He might multiply quotations to show the difference which existed between the two countries, but he would abstain and return to the vital question at present immediately before the House. The noble Lord, the Secretary at War, who addressed the House last night, said—"We find so and so to be the state of affairs in Ireland at present; are you prepared under such circumstances to withdraw the concessions you have already given?" To this question he (Sir James Graham) would answer frankly, that the days of miracles had ceased; that the sun could not go back upon the dial; and that popular concessions once given could not be retracted; he should be one of the last persons to propose any such attempt. Sir William Temple somewhere in a spleenful mood had said, "Providence gives us many things, but to take them away; she takes nothing away to give it to us again." The converse of this is true in political affairs; what we give we cannot take away; when we attempt to take away, we are compelled to give back an hundred fold. It was not, therefore, a question of wish, not a question of inclination; and he would answer frankly, that if it were he was not prepared to take away that which had been already given. He rejoiced to see Catholic Gentlemen sitting in that House, because he thought it the safest place in which their influence and their opinions could be used. But this was not all. The noble Lord asked further, "If you can't go back, what do you mean to do? you must make further concessions, and he added, was there any danger in so doing?" The noble Lord further remarked, that the Government had been tauntingly asked whether they were prepared to make the corporate towns so many "normal schools of peaceful agitation," referring to an expression reported to have fallen from the hon. and learned Member for Dublin; and the noble Lord replied to this question, that he denied that these towns would become "normal schools for agitation;" but he believed that they might become normal schools, not of agitation, but for teaching the people of Ireland the rights and powers of self-government; "normal schools for the cultivation of sound and enlightened political opinions." Now was the noble Lord serious, was he sincere when he made that declaration? Serious the noble Lord undoubtedly was, for as a Minister of the Crown the noble Lord would not trifle with public opinion, or lightly jest upon such a momentous subject; sincere he was convinced the noble Lord must be, for the noble Lord never entertained an opinion which he did not manfully and candidly avow. Then what, he would ask, was the real cause of this remarkable declaration? Was it that his Majesty's Ministers did not see through the mist, which hung around the Cabinet, what all the world besides saw most clearly, or, seeing, did they not apprehend what wise men could not fail to regard with fear and trembling? The House would allow him just to give one glimpse at what he was satisfied would be the first and immediate effect of passing this Bill. The hon. and learned Member for Dublin had already told his constituents that when this Bill was passed they would have "a roaring mayoralty," and that he, the hon. and learned Member for Dublin, would condescend to be their first mayor. Let them imagine the first meeting of the council under this mayoralty, the mace lying on the table, and the hon. and learned Member arrayed in all the robes and dignity of office. He would suppose that the mock solemnity of debate was begun, that the subject of debate was a petition to Parliament praying for the abolition of tithe; the object of invective would probably be the House of Lords, and their opposition to the grand principle of the appropriation of the surplus revenues of the Church to secular purposes, a principle to which, according to the hon. and learned Member for Tipperary's assertion, the Whig Government were irrevocably pledged. And was this to be their "normal school for sound political opinions?" It was nothing else than the realization of the darling dream of the hon. and learned Member for Dublin. It was neither more nor less than a Parliament assembled in College-green, without the "nuisance," as he termed it, of a second Hereditary Chamber. Call them what they pleased, "normal schools for peaceful agitation," or "normal schools for sound political opinion," they could but end, in his opinion, by becoming schools for treason and rebellion, the last fatal symptoms preceding the dissolution of the Legislative Union between the two countries. But that was not all, the last resource, the *ultima ratio* force was already threatened. The hon. and learned Member for Tipperary, on a former evening, concluded a speech of much power and splendour of eloquence, by exclaiming, "Remember, we are seven millions, and this measure we must and will have." Now, he must confess that this observation grated somewhat harshly on his ear, like a prelude to the mischief he most dreaded. He should be sorry to meet menace by menace, or give vent to feelings of indignation, which would only provoke a corresponding repetition of such sentiments. It should be remembered, that the Protestants of England and Ireland had recently strengthened their position, that in compliance with the opinion of that House and of their King, they had laid aside all their signs and symbols by which they were bound together a secret, organised society, and they now stood firmly united in the face of day. The Protestants of the two countries were now resolved, as one man, to maintain and support their religion, the Protestant establishment, by every constitutional means in their power, an establishment still favoured by the law, and blessed, as he believed, by a higher sanction. But, as he said before, he would not repel threat by threat, nor look into the probabilities of the future; he would content himself by referring to the history of the past. Could it be forgotten by them that at the first dawn of the Reformation, under the wise Government of Elizabeth, we rescued even Protestant strangers in the Low Countries from the tyranny of Alva, the persecutions of John of Austria, and the yoke of the Spanish Monarch—that we assisted in laying the foundation of that small but illustrious commonwealth, the offspring of liberty and industry and the first trophy of the house of Nassau over Catholic bigotry and oppression? Could it be forgotten that, defying the anger of their King, we defended the French Hugonots in their struggle for religious freedom? All this we had done when we were a small and divided people; we are now a great, a powerful and united nation; and shall it be said that England, whom France could not vanquish, whom Spain could not overawe, that this England should quail before Catholic intimidation, and give up our Protestant brethren of Ireland an easy prey to the fury of the demagogue, the vengeance of the priest, or the madness of the people? It behoved them to act a bolder and a nobler part. He said, what he (Sir J. Graham) wished to do was, to secure to all classes of his Majesty's subjects, without reference to sect or creed, perfect freedom, and the full enjoyment of their lives and property, under equal laws, firmly and impartially administered. Let them submit to anything rather than the lawless spirit of Catholic domination. And he must say, by way of conclusion, that, in his conscience, he believed the Bill now introduced by his Majesty's Government was nothing less than an unconditional surrender, whilst the proposal of his noble Friend was, in his opinion, calculated to insure good government to Ireland upon just and equitable grounds; he should, therefore, give to the latter proposal his most cordial support.

The Speaker retired for a few minutes; on his resuming the Chair,

Mr. *O'Connell* said, I am glad, Sir, you have enabled me to recover for a few seconds from the blaze of religious eloquence with which the right hon. Baronet has just thought proper to overwhelm us. I shall not, on the present occasion, follow the right hon. Baronet through the matter of his speech; a great deal, perhaps, I shall have occasion to make use of at another opportunity. If the House shall refuse to do justice to Ireland, I can assure the right hon. Baronet, that he has this night furnished me with an additional number of powerful arguments for the Repeal of the Union. As to that part of the right hon. Baronet's speech, in which he entered upon the task of reading the evidence of those two most disinterested and impartial witnesses, Mr. Carroll and Mr. Singleton, I shall pay very little attention to that at present. But I must take occasion to call the attention of the House and of the right hon. Baronet particularly to a mistake which he has fallen into as to my personal friend Mr. Burke. Mr. Burke, he says, was confronted with Mr. Matson. [" *No, no.*"] I admit that that is not the fact; they were not so confronted; what I say is, that the hon. Baronet stated, that they had been so confronted. [" *He did.*"] Now, in point of fact, Mr. Burke was examined by the Committee twice, namely, on the 29th of June, and again on the 2nd of July; he was not examined again after that; Mr. Matson was examined on the 19th of July, and two days after that the Committee closed its sittings, so that Mr. Matson could not have been there to be confronted with Mr. Burke. There is one word attributed to Mr. Burke which I am quite sure no Catholic clergyman ever used, namely, the word "heretic;" —a word which I defy Mr. Matson or any one else to have heard coming out of the mouth of a Catholic clergyman. I am sure the right hon. Baronet did not intend to mislead the House upon these points, and therefore he will be obliged to me for setting him right. Before I enter upon the discussion of the important question which is this night to be decided by us, the House will perhaps allow me to make a few observations in reference to what fell from the hon. and learned Member for Bandon, and from the hon. and gallant Officer (Sir Henry Hardinge) last night. The learned Sergeant, the Member for Bandon, commenced his speech by reading some of the clauses of this Bill, and comparing them with the enactments of the English Corporation Act. Now that being a matter which we can better discuss when we get into Committee on the Bill, I shall not proceed to answer the learned Sergeant's objections upon these points at present. Having gone through these objections, the learned Sergeant then proceeded to attack the character of the clergyman, who he alleged had said, that he would refuse to prepare for death any man who voted for the Knight of Kerry. This was given on the evidence of a gentleman who heard it from some one, who is not himself named, and I ask, is this evidence on which to convict a gentleman and a clergyman of such an unchristian declaration? Besides, Mr. O'Sullivan wrote letters both to the papers in Ireland and to *The Morning Chronicle*, in which he utterly denied having used the words attributed to him. The statement was made in the first instance without the name of the party implicated being mentioned; Mr. Croley conceiving himself to be referred to in it, first came forward and denied that he had said what was stated, and then he was told, that he was not the person alluded to; and after that Mr. O'Sullivan came forward and denied the charge also. And yet this is a charge which the learned Sergeant opposite, in the mere hope of raising a shout from the side of the House at which he sits, comes forward to repeat again, but the learned Sergeant never thought to mention that the charge had been utterly and publicly denied. Then the learned Sergeant referred to the address said to have been delivered by the reverend Mr. Keogh to his congregation at Leighlinbridge; but, in like manner, the learned Sergeant never added, that that reverend Gentleman had complained bitterly of having such unchristian sentiments attributed to him, and had gone down to the newspaper office for the purpose of publishing a denial of having used that language—a denial to which no answer was published. Under those circumstances, and with those omissions, I submit that the learned Sergeant ought not to have mentioned those two cases at all. With respect to the course taken by the hon. and gallant Officer opposite (Sir Henry Hardinge), I must say, I think he acted rather unfairly in quoting the evidence of Mr. Carter Hall, who was examined on the last day of the Committee's sitting, and when Mr. Keogh was not in town to hear and meet what he said. [An *Hon. Member:* Mr. Keogh was in town, he was in the next room.] Well, whether he was there or not, has very little to do with it—the fact is, Mr. Keogh denied the charge most positively in *The Carlow Centinel*, and that denial was held back. Besides, there are some remarkable passages in Hall's cross-examination which it would have been well to have mentioned also. Hall was asked, in what dress the clergyman was who spoke what he alleged; he replied, "I hardly know how to describe the dress of a Roman Catholic priest; he had on a surplice, and over that a large cross." Now there is nobody who knows anything about the dress of a Catholic priest but will see how inaccurate this is. He was then asked further on the same point, and he replied, "We took off the large cross that he had on his back, but underneath that he wore a surplice over a coarse black gown." Now after this, is there any one who ever saw a Catholic priest who will not at once see how impossible it is Mr. Hall can have been where he describes? But after all, in any case, Mr. Keogh denied the whole statement, and that should have been enough. The next thing the gallant Officer proceeded to do was to accuse me of raising an anti-Protestant spirit in Ireland; and how did he prove that? The gallant Officer referred to a letter of Lord Kenmare's, in which his Lordship expressed his dissent from my politics; so, forsooth, because I happen to differ in opinions with a Catholic, that is in itself sufficient argument to show that I am opposed to Protestantism. Then, in addition to this, the learned Member for Bandon read some garbled passages from some electioneering placards, which I am accused of having circulated. In the case of Limerick I am accused of having published an address in favour of two gentlemen, one a Protestant and the other a Catholic, and with having declared, that whoever would vote against them was an enemy to his country. I will just trouble the House with a few words from an election address which I hold in my hand, which will show that in Carlow at least I am not to be held responsible for all placards of the kind. This placard runs thus:—"Mr. O'Connell has no objection to Bruen. He says, he is a good fellow and a good landlord. He has no notion of supporting Vigors; so hurrah for Henry Bruen, Daniel O'Connell, and freedom of election." Another assertion of the hon. and gallant Member, to which I must allude, is one which he said he made upon the authority of Lord Hatherton; namely, that the clause disfranchising the 40*s*. freeholders was written in my own handwriting. Now I declare, that Lord Hatherton said no such thing. What then was my conduct at the time of passing the Emancipation Act? why I it was who, with other Gentlemen of the same views, prepared and signed a petition, praying the House not to pass the Bill at all if it were to be given upon the terms of destroying the 40*s*. freeholders. It was at a subsequent period to this, that when the clause relating to the 40*s*. freeholders was submitted to me, I recommended an alteration by which the franchise should be taken away in cases where it was assigned for life only, and not where it was in fee or perpetual inheritance. I am sure the gallant Officer will be glad to be set right upon this fact. I am sorry, however, to trespass so long upon the attention of the House on subjects so unimportant as must be a few calumnies against the Catholic clergy and misrepresentations of myself. What I wish to do—dismissing further notice of these minor topics—is to call the attention of the House to the real state of the question now before it, what the principle involved in it is, and what the result of it may probably be. Now this is a question which I will reply to negatively. The question then is, not whether we shall put an end to the Irish Corporations; that is a point upon which every one is agreed, everybody has given them up entirely; and declared them to be corrupt and profligate to the last degree, influencing, and at the same time polluting the sources of public justice. Of all the Members who have addressed the House upon the subject, they are all so honourable, there is not one to defend these Corporations, not one to stand up for them! There is the noble Lord, the Member for North Lancashire, and the noble Lord for South Lancashire, two noble Lords North and South, then there is the hon. and gallant Officer, and the hon. and learned Sergeant, the Member for Bandon, and the hon. and learned Recorder—whose face is just brightened up by a smile, but who wore a countenance not two minutes ago very fit for an undertaker; even the hon. and learned Recorder had not a word to say for the poor corporators. They all agreed to throw them quietly overboard. Amongst so many speeches, one hardly knows how to select one above another, but upon the whole I think I must give the preference to the speech of the noble Lord for North Lancashire; there is a cordiality about all he said which is quite delightful. But as to blaming the Corporations, all I want to know is, when did these noble Lords and hon. and learned Gentlemen first find out that these Corporations were so very bad? When did this new light shine upon this galaxy of talented rulers on Irish affairs? All I can say is, that I think it very cruel of the hon. Gentlemen to find it out at this precise time, and consent to abolish all at once these venerable Corporations—

Abandon'd in their utmost need,
By those their former bounty fed.

Now here is, first, one specimen of the wisdom of our ancestors, the beauty of these Corporations. There was a document of the year 1816, "Resolved unanimously that Robert Peel, Esq., deserves our warmest thanks, and those of all loyal subjects, for his true Protestant principles, and particularly for his heroic opposition to that public nuisance who designated our constitutional body a beggarly Corporation; and that the Orange *Peel* with the orange lily shall henceforward be the combined emblem of true loyalty." Oh! little did the poor Dublin corporators think how blighting would the contact eventually prove of what they considered substances of a congenial nature. [Sir *H. Hardinge:* When was that Resolution passed?] In the year 1816, shortly before the picture was voted to the right hon. Baronet, which he got leave to pay for himself; but what can you think of the situation of those persons who are subject to the government of such a body as this corrupt Corporation, by which justice is poisoned to the source, by which partisanship is practised by sheriffs and sub-sheriffs, by grand juries and petty juries—all admitted abuses now, but all existing when the right hon. Gentlemen and the noble Lords who at various times filled the office of Secretary to Ireland were in power. I hurl these abuses, which they never even attempted to remove when they were, from the nature of their office, called upon to do so—in the name of my country I hurl these abuses at them now. How can they account for having suffered these nuisances—not to remain undisturbed—but to become still more offensive? What reason can they give for allowing the pure waters of justice to be made a mephitic pool, which, instead of their diffusing gladness, and health, and vigour, spreads pestilence and death around them? Why, Sir, these are the bodies that the independent and pure gentlemen on the opposite side of the House felt proud in countenancing and encouraging. Did not the right hon. Gentlemen and the noble Lords, to whom I have before alluded, and who filled the office of Secretary of Ireland, remain during the tenure of their office in ignorance of the evils of this corrupt and abominable system? There was one of them, the noble Lord the Member for North Lancashire, to whom I will do the justice of expressing my belief that he was not blind to the grievances which these burdens imposed on those whom they governed. But with that exception, was there one of these noble and right hon. Secretaries, during the time they remained in office, who did not glory in being the subjects of the toasts and speeches of these very corrupt jurors, these partisan sheriffs, and these infamous corporate bodies,—nay, were not their own addresses, made to assemblies composed of such individuals, received with the long-continued and oft-repeated "hurrahs" of these corruptionists, whom, with the strangest gratitude, it must be admitted, they now with one voice unite in condemning. Now I am told that the state of Ireland is diseased. Need I, after the topic to which I have just adverted, and which can't be questioned—need I ask you who has made it so? You (pointing to the Opposition side) have committed the crime, and with singular consistency you desire to inflict on us the punishment. The noble Lord (Stanley) is, I see, dipping pen in ink: he may dip it in congenial gall if he chooses, but he cannot weaken the position which I have laid down. As I said already, I believe the noble Lord, the Member for North Lancashire, was well aware of the abuses of the Irish Corporations. Perhaps the other noble and right hon. Secretaries did not take much pains to see them. But why did they not? Is there any excuse for their neglect of what should have been one of their chief duties? They ought to have known them well, for they were often reminded of them; and I remember that I myself, even so far back as the trial of Magee, in Dublin, said, in the presence of the right hon. Baronet, the Member for Tamworth, at least he was in Court during the trial, that a man brought for trial by a jury appointed by such sheriffs as the Irish Corporations nominated, stood in a situation closely resembling that of a man taken to a gaming-house to play with men who, he knew, used loaded dice. And did I not incessantly dwell upon the abuses of Corporations, as one of the most crying evils by which Ireland was afflicted? And yet, when a measure is brought forward for the cure of the diseased and poisoned state of society, which these bodies engendered, we are turned round upon by those who fostered and fomented the evils, and told that we shall not even now drink the healing waters of justice and equal laws, but that we must continue in the degraded and unhappy state to which their misrule has reduced us. Now let the House consider the question before it. The noble Lord (Lord Francis Egerton) who made the motion, considering the kind of job that was put upon him, spoke with as much moderation as possible, and dipped his fingers as little as the matter which he had to deal with would permit, in the bitter sources from which the topics of his speech were supplied. But still his speech conveyed a gross insult to the people of Ireland, for which he is, perhaps, to be excused, as he could not avoid, in the position which he took up, offering it. But let me again remind the House, that after centuries of suffering on the part of the people—after the grossest bigotry and partisanship being displayed by the bodies who had the appointment of those who were constituted the arbiters of property and life, we have at last arrived at the unanimous conclusion that this corporate system is to be abolished; and having resolved on that, the second question is, what system is to be substituted in the place of that which must be extinguished? 'Tis agreed on all hands that clear off must go sheriffs and sub-sheriffs, town-clerks and recorders—all at "one fell swoop" must be cut off. Who are to be put in their places? I ask—I demand, Sir, in the name of my constituency, the substitution of a body identical, not in its details, but identical in its principle, with that which has been given to Scotland and England. That is my demand—nothing short of that will satisfy me. The right hon. Baronet, the Member for Tamworth, says my plan is to make all the inhabitants of Ireland equal, and that is what the Catholics themselves desired. Sir, it is true that all the Catholics ever asked, though it was insinuated they desired more, was equality, and equality they shall have. How? By destroying institutions whose natural foundations are the principles of freedom, and because Protestants can no longer monopolise privileges and rights intended for the whole of the people—by suffering no civil rights to appertain to any portion of the inhabitants of that country? I deny, Sir, that that is an equality which can be beneficial to any people having the least pretence to the enjoyment of freedom. It is an equality which may be boasted of by the most despotic monarch and enslaved people on the earth; but it is an equality which the people of Ireland have no desire to share in common with them. Sir, I have always said, that my principle of equality, as applied to Ireland, was not to pull down the Protestants to my level, but to raise the Catholic to the level of the Protestant. It is no base compromise, in order to subvert the institutions from which Catholics are excluded, and to make all equally slaves. I will never consent to that. [*Hear, hear, from Mr. Emerson Tennent.*] I hear the voice calling itself the representative of Belfast. Now, why should that hon. Member, in a speech (which might, perhaps, have been written before it was spoken) which he delivered on introducing to the notice of the House the petition from Belfast, attempt to place the question, with reference to that city, at least, on religious grounds, when it was notorious that there were 22,000 of the inhabitants who were Roman Catholics, they belonging, too, to the poorer classes, and 58,000 of the richer classes, who were Protestants. Now on what religious ground could he rest the question, or upon what principle could it be refused to the 22,000 that they should be suffered to share the privileges of the 58,000 Protestants? This is a fact which shows the disposition of those opposed to giving the Irish people a just participation in equal rights; it is a family feature, which enables one to discover the true principles of his party, that the hon. and learned Member for Belfast should come down here, and in a well-arranged speech, rest upon this difference in religious opinion in favour of Protestantism, not as a reason for making Belfast free, but for the purpose of preventing that town from enjoying the benefits of Municipal Reform. Having alluded to the Corporation of Belfast, I may as well state that the corporators there belonged to the genuine sort. There were thirteen of them — they had control over charitable funds to the amount of 5,000*l.* There is 3,000*l.* now forthcoming; the other 2,000*l.* has disappeared. It was charity money, and the Belfast corporators, in order to demonstrate how anxious they were to comply with the adage "charity ought to begin at home," retained amongst five or six of themselves 2,000*l.* of the money left to them in trust for the benefit of others. Well, to come back to the question before us. Well, we are to get rid of the Corporations. That is admitted on all hands. And again, I repeat my demand, respectfully, but firmly, for the same measure of Municipal Reform in Ireland as you have granted to Scotland and England. The Scotch Corporations were in the same situation with the Irish; they were self-elected—they were corrupt: there was no identity of feeling between them and the population of the towns. No man stood up to defend the old Corporations of Scotland, every one threw them overboard; but did any man dare to raise his voice in that House for the purpose of proposing the extinction of the Scotch Corporations. If any one had the temerity to do so how would the proposition be received here, or how would it be treated by the inhabitants of Edinburgh, Glasgow, and Paisley? I tell you that it would not be submitted to, and the Scotch would be, what they have never been, cowards and traitors to their native land if they consented to such a degradation. The old corporate system of Scotland, in which religious bigotry was not added to the other vices, only because the vast majority of the people, who were of one religion, has been swept away, and the new system introduced, giving the Scotch the benefit of the principles of vigilant popular control and publicity of proceedings. Well, Scotland has profited by the change, and much good may it do her. No man in Scotland rejoices more heartily than I do at the use which she has made of it. Next came England, when your Corporations were corrupt, and profligate, and bigotted; where Dissenters were excluded first by law, and next by unjust trammels. You destroyed the whole system, but was it proposed to annihilate the Corporations altogether? No man dreamed of such a proposal. Scotland got a new system—England has got one, not of the same value as that which has been conferred on Scotland, but that is not the fault of the House of Commons. England has, at all events, acquired the principles of popular control and publicity of proceedings. As I said before, Scotland has got it—England has got it; will you tell me that Ireland is not to get it? What! talk to my Friend, Mr. Sheil, of having threatened that Ireland would right herself, if ultimately wronged, without hope and prospect of redress. God forbid, Sir, that I should ever be guilty of the sin of despairing with respect to my country. I never despaired of my country when her prospects appeared much more dark and dismal than they are at present; and hope then smiled upon the scene, and to a certain extent I succeeded, in the opinions of others, of improving her condition. There were some, at least, who thought me right then, and I am convinced that every honest man thinks me right now. Talk not to me of compromise. I'll enter into no compromise with you. I will have the principles of vigilant popular control and publicity of proceedings carried into operation with regard to the Corporations of Ireland. I am willing, if you grant these, to argue the details in the Committee. I will vote for the right hon. Baronet if he can there show, as he says he can, that the details of the proposed measure are inconsistent with its principle. And why should we not get a measure of corporate reform such as those you have already granted. The right hon. Baronet proposes a different plan for us—a royal commission forsooth! The people of Ireland have not sense enough to manage their own affairs, and a commission of lunacy must be issued against them. That is your mode of governing the country; that is the right hon. Baronet's splendid plan. What! govern Ireland by refusing her common civil rights with other portions of the empire—by denying to her the privilege of managing her own affairs, and abolishing the proper organ for making known their grievances in every town and city in that country. How, Sir, can the interests of commerce, of manufactures, and of trade, in fact, all the interests of the great towns be properly and effectually promoted, but through such organs as these corporate bodies, duly and locally chosen? But, then, it is said, there is a question of religious supremacy mixed up with this question of municipal reform. And here I must do the noble Lord (Lord Francis Egerton) the justice to admit, that he abstained as much as possible from any bigoted views of the measure before us. The credit of legislating on principles of bigotry must be given to the noble Lord (Lord Stanley) and the right hon. Baronet (Sir James Graham), his fellow rider in the Dilly, who show extreme purity of conscience in doing injustice to a nation, and prove their zeal in the cause of piety, by sanctioning the continuance of religious persecution. They have placed this question on religious grounds, and are terrified at the idea of the reform in Irish Corporations, lest the Protestants should be converted to Catholicity. Why these bodies have been preaching and practising piety and Protestantism these 300 years, and how is it that they never could manage to convert even a solitary Catholic during that period. The consciences of the noble Lord and right hon. Baronet are troubled with the most harassing apprehensions of the growth of Popery, as the inevitable consequence of the proposed change. But these Corporations which must be considered such admirable instruments for converting a nation that they ought to be adopted by the Missionary Societies, have been engaged for centuries in the holy office of preaching Protestantism and pursuing iniquity, and not one Papist has as yet been brought over to their way of thinking. I fancy I can see the hon. Member for Sligo falling on his knees, uplifting his eyes, and giving way to a burst of solemn supplication against the horrors of Popery, at the contemplation of those bodies, as soon as they are converted into a propaganda for the promotion of the Catholic religion. But Sligo Corporation is gone; and this I am afraid is the real ground of this pretence, not argument, for persevering in a system of injustice. Are you not tired of continuing this mode of governing the country? Does the noble Lord, the Member for North Lancashire, imagine that he has made an invention in opposition to the principles on which the other 25, or it may be 250, Secretaries of Ireland have acted in the government of Ireland? Sir, the scene which is now enacted in this House—the scene which Ireland now presents, is the same that it has exhibited for 700 years. Sir John Davies, 220 years ago, published a Tract, discussing the reason why Ireland never was conquered. He has been in his grave 200 years, from his tomb he shall address a speech to those who would exclude the Irish from the benefit of good government. In the year 1614, Sir John Davies says, "This, then, I note as a great defect in the civil policy of this kingdom, in that for a space of 350 years after the conquest of Ireland has been attempted, English laws have not been communicated to the Irish for their benefit and protection, though they have earnestly desired and sought the same." Is not that applicable to our present condition? Here am I now desiring the protection and benefit of the English laws. Sir John proceeds, "in a word, if the English could govern Ireland by the sword, or root not the population out of the soil, they must remain as brambles in their eye and thorns in their side, and see their conquest never come." If the laws of England had been established, and impartially administered; if in the reigns of Henry, John, and Richard, the country had been divided into counties; justices sent half-yearly to punish malefactors; if their fairs and markets had been assimilated to the English; and corporate towns originated, assuredly Ireland would have been reduced by the salutary effects of equal laws and good government. There would have been a perfect union between the nations, and consequently a perfect conquest of Ireland; for the conquest never could be perfected, nor the two countries enter into concord, until they are subjected to one king, one allegiance, and one law." That was written 221 years ago; and here am I now, a descendant of that people thus described, debating the same question which this historian dwelt upon, and telling you not to dare to insult us any longer, by admitting, that Scotland and England have obtained municipal franchises, and yet, under a paltry pretext, calling upon us to bow down in obedience to your will, while we are denied the privilege which you have gained. I tell you that, as we are "subjected to one King, and one allegiance," there shall and there must be but "one law." The union, indeed! Is there a union between the countries? There is a parchment union. But I ask you now if the Government of this country was carried on in Ireland, and that a measure for Irish Corporate Reform was passed by a Parliament sitting there, and yet that a similar measure of relief was denied to the English, what in that case would you do with the parchment union? Tear it in pieces, of course. Or, what is much more likely, break with your good broad swords the head of the man who presumed to offer such an affront to your country. So England, so Scotland, in accordance with her brave conduct at Bannockburn, would act under such circumstances. And do you mean to say that what you would not dare to tell England or Scotland, you are at liberty to call on Ireland to submit to. The men of Ireland are men who may shrink from peril and love not liberty? I deny it. I, as one of them, may seem to shrink from danger in order to avoid a violation of conscience, which, rather than commit, I am ready to bear with any taunt; but I mistake much those who sent me here, and the whole of the Irish nation, if the noble Lord and the right hon. Baronet, or any other of the pious and pure protectors of corporate abuses, can, if equal civic privileges and rights are denied to the Irish people, prevent the Repeal of the Union, if not the ultimate separation of the two countries; for while we live and move we will never despair of achieving for ourselves the liberty which you deny us. But we are told again and again, that the concession of just claims will end in the triumph of Catholics over Protestants. Now, let me remind the noble Lord, who ought to have read the history of the country over which he was appointed to legislate, that, since the Reformation, the Catholics have obtained power three times, and never in the slightest degree abused it. I can show him that while murders were committed, and victims burned at the stakes in this country by Protestant, and Catholic monarchs in this country, that no violation of the law was committed by the Catholics over the Protestants at the periods to which I have adverted. Now, I defy him to controvert that. But I do not speak on my own authority. I appeal to a Protestant historian, Mr. Taylor, the brother, I believe, of Mr. Sydney Taylor, the editor of *The Morning Herald.* [The hon. and learned Gentlemen took a rapid review of the achievement of freedom by the Irish Catholics in the year 1648 and 1688, with the view of showing that, notwithstanding the calumnies of Hume and Clarendon, they persecuted no man, and punished no man of those who differed from them in religion.] Do I state this, continued the hon. Member, on my own authority? No, I appeal to a Protestant historian, Mr. W. C. Taylor, the brother of Mr. Sydney Taylor, I believe, for the confirmation of my words. In his history of Ireland, there occurred a passage to this effect: "The restoration of the old religion of the people was effected without violence. No persecution was attempted by them; and several English families flying from the scenes of murder enacted in England, found a safe retreat amongst the Catholics of Ireland. It is but justice to the Catholics of Ireland to say, that upon the three occasions when the Catholics obtained power, they never injured, in life or limb, any of those opposed to their religion." But it is mere trifling with the question to suppose that the Catholics would use their power in a bigotted manner. Why, I have a return to prove that the efficient control over the Corporations will be vested, for the greater part, in the hands of Protestants. In Belfast, the Protestants far exceed the Catholics; in Dublin, the Catholics are in the proportion of two to one, and in the other towns of three to one; but let this be recollected, that almost every Protestant will be a voter, from their being the most wealthy class, while there will be proportionably few Catholic electors. There are thirty Catholic Members in this House for Ireland; but as the Catholics, who are seven-eighths of the population, return no more than one-third of the representatives of the same persuasion as themselves, can anything be more illustrative of the fallacy that Catholics would unjustly predominate over Protestants in these municipal bodies? And, after this, do you still persevere in making us, as Sir J. Davies said, two nations? And after having made large concessions halt at the last step of your progress to good government, and insult us by delaying that measure of justice which you must know that you cannot eventually withhold? The voice of England declares that we must have justice. Scotland reiterates the sentiment, and the people of Ireland will, I trust, soon be in a position unanimously to demand it. After the expression of opinion which those of the Irish party most strongly opposed to me have very recently obeyed, I cannot help thinking, that after their feelings of wounded pride and vanity have subsided, they will yield to the generous impulse of love of country, and affectionate esteem for their fellow-subjects. They breathe the same kindly air; they are children of the same soil; and though the Irish hand may for a time revolt, the Irish heart cannot long withstand the natural bent of its feelings, and Irishmen, unless you contrive to excite and embitter their minds by maintaining a difference of interest between them, will inevitably be led to a cordial union, by accustoming them to the social intercourse of business in their corporate capacity. This is the view which you should take: this is the question you should agitate. I thank the right hon. Baronet for alluding to my phrase about "peaceful agitation." I never was anxious to know where he got the extract; and I saw that neither in *The Mirror of Parliament* or *The Times* was this phrase reported at all. But in *The Morning Post*, which, with the exception of *The Morning Chronicle*, gives, in my opinion, the most accurate reports, as well as in *The Morning Herald*, I was correctly reported. In *The Morning Chronicle* my words are that these bodies "would be normal schools for peaceful agitation." That is what I said. But in my mind the great value of these Corporations is, that they afford a vent for peaceable agitation. The waters of political life are like those we consume—if they are not agitated properly, and at proper intervals, they become stagnant, and spread a noisome vapour over the scene they might otherwise enliven and enrich. I maintain that in every free country, peaceable political agitation, so far from injuring, is absolutely necessary to the continuance of that freedom. Peaceable agitation is, in fact, the price which wise men pay for liberty. But, Sir, the right hon. Baronet asks, "Will you, the British House of Commons, encourage this political agitator?" I ask the same question. I ask you, the Commons of England, will you encourage this political agitator by giving him the most excellent arguments and the most cogent motives for the continuance of his agitation. The right hon. Baronet asks again, will you give to Ireland a measure of Corporate Reform similar to that granted to England, after having so lately been obliged to bind down that country by a Coercion Bill? What! because a Whig Government in a moment of delusion and under misconception of the real state of our country gave us a Coercion Bill, are we not to have the abuses which have crept into our Corporations remedied? Why, what were the circumstances under which that Coercion Bill was enacted? The right hon. Baronet was a member of the Government when the first Coercion Bill was introduced, and sure am I, that had he and the noble Lord near him been then sitting on the side of the House from which they now speak, that disgraceful measure would never have been thought of. But what, I ask, was the principal argument used by the introducers of that Bill to gain over to it the assent of the House? Was it not the promise that the just grievances of the Irish people—and none more especially than those arising from the existing abuse of corporate affairs—should be considered, and with all possible dispatch removed? The Government, upon introducing the Bill, made terms with the House, and through the House with the Irish people, and one of those being a Reform of their Corporation, it was to be now seen whether those terms would be kept. Again, upon the Debate on my Motion for a Repeal of the Union, what was the compromise proposed by the right hon. Gentleman who moved the Amendment upon that occasion. Did he did not distinctly promise that this very question of Corporate Reform should form the subject of immediate and satisfactory legislation. If, then, you disappointed the Irish people in the hopes you yourself held out to them —if, after inducing them to abandon those questions which they deemed the best and speediest remedies for their grievances, but which to your feelings were displeasing, upon the distinct understanding that the great defects in their system of government should be amended or removed, you now turn round upon them and say, we will not keep faith with you, and we will not fulfil the engagements we contracted with you—what, I ask, do you expect from them? Do you hope that with "bated breath and whispering humbleness" they will turn to you and say, "True, you spit in my face on Saturday, and on Sunday you called me a maniac and a bigot—you have broken every promise with me, and held me at bay as you would an enemy and an assassin;—notwithstanding all this, however, you shall have my good love, my counsel, and my services, whenever and wherever you may desire them." Do you look for this patience, this tameness, from the people of Ireland? If you do you will be deceived. We are ready to forget as we have forgiven the cruelty of your Coercion Bill, and the tardiness with which you have set about remedying our grievances; but in doing so we require that youremind us not of our want of a separate legislature by doing us further injustice. But while I am upon this general question of agitation, let me ask the rt. hon. hon. Baronet opposite one question. He seems to think that the plan contemplated by the noble Lord who originated this discussion is to withdraw all occasion for agitation upon corporate matters. What! Does he think that the visits of the proposed commissions will not give rise to agitation? Does he wrap himself up in the delusion that the people will tamely and quietly submit to the arbitration of these commissions, and that there will, upon their appointment, be an immediate cessation of public meetings and political societies. Why, the enactment of such a measure as that proposed by the noble Lord, and the consequent rejection of that introduced by the Government, will, on the moment, start up political, and revive Orange and Green associations without number. Agitation shops would then become necessary, and Ireland, feeling that its voice is but faintly heard in the council of the nation, will take means, such as it has not hitherto contemplated, to have its claims heard. Depend upon it, by the rejection or alteration of the Bill, as it stands, you will not diminish agitation in Ireland. Far from it, you will encourage agitation by increasing the occasion for it; and though it may not present itself to your eyes in the same shape it now assumes, rely upon it it will do so in another and a worse one. Come, then, I entreat you to your only alternative. Come, then, to the peaceable agitation of these normal schools. Come, then, and joining in harmony and unity of purpose with his Majesty's Ministers, at least do an act of common justice towards neglected and injured Ireland. I have trespassed now a good deal upon the patience of the House, and my excuse must be, that I have been called upon to do so by my country. I will, however, have so much respect for the indulgence with which you have treated me, as not to refer to many of the topics introduced by hon. Members opposite, but which have, in reality, little or no reference to the question at issue. I will not refer to the notable discoveries, so trumpeted from the other side, of Lord Grey's doing this, and Lord Grey's doing that, or Lord Grey's deprecating such and such conduct. What, I ask, have these matters to do with the question at issue? Oh, are ye statesmen who introduce such topics as these upon a discussion, as to whether Ireland shall have such a measure of Corporate Reform as justice and good faith entitles her to? The real question at issue is, shall Ireland be tranquillized, and by having dealt out equal justice and similar laws with England, consider herself a portion of the British Empire? This is the question, and, for God's sake, seek not to swamp it, by reference to matters and statements, and discussions which are not incidental to it, and must tend to impede its deliberate and becoming decision. I stand here before you the authorised representative of three provinces of Ireland, and in that capacity I tell you that I fling aside for ever the question of repeal, and that I will join with you, heart and hand, if you will join with me in pacifying Ireland in the only way you will—you can—you ought, to attempt her pacification. These are my terms? Will you or not assent to them? Perpetual Union—perpetual combination, and the perpetual bond of equal privileges and equal right. Deny us these terms, and let me tell you, your Union with Ireland will, with one effort, be rent asunder for ever.

Lord *Stanley* said, that although he was well acquainted with the power and influence which were exercised by the hon. and learned Gentleman who had just sat down, in that part of the empire with which he had most immediate connexion, he could not but hesitate on the simple assurance now given, authorised, though it was stated to be, by the people of Ireland, to enter into a compact with him as their plenipotentiary, before some security was given for the due performance of the conditions, and before even it was shown that the hon. and learned Member was, as he represented himself, really invested with the full power to make it. "Authorised by the people of Ireland, I come here," exclaimed the hon. and learned Gentleman in his most grandiloquent, but certainly not very argumentative speech, "I come here, authorised by the people of Ireland, to tell you, the British House of Commons, that we are willing to forget past injuries, and to concert with you the conditions of future unity; but if our conditions are not acceded to, I am then instructed to tell you that again the banner of Repeal shall float upon the breeze until victory shall crown it with the laurels of triumph." Such in terms had been the threat of Ireland's authorised plenipotentiary—such in terms was the alternative which, in his capacity of authorised representative of Irish agitation, the hon. and learned Member proposed. And where, he begged to ask, was this boasted authorisation given? At a dinner in Tuam—a supper in the King's County—or at a meeting held in a room in Dublin? And was the House of Commons to be gravely told that on these specific occasions the people of Ireland had given their plenipotentiary such an authority to act for them as they could, with either dignity or propriety entertain. Why, even if the hon. and learned Gentleman needed an authority to act for a large portion of the people of Ireland, no authority could be communicated to him in such a manner. He (Lord Stanley) doubted not that the hon. and learned Member was a high authority with reference to the sentiments of a large portion of the Irish people—he doubted not that he had great influence with them, and that it was most probable whatever course he might recommend to their adoption upon any question connected with their interests, they would be likely to follow up; but notwithstanding this, before he came to terms with him, he must know distinctly what those terms were likely to be, and what was the nature of the security he was prepared to offer for due performance. This information the hon. and learned Gentleman had not, in his opinion, as yet communicated to the House. It seemed to him, indeed, that the hon. and learned Member had cautiously avoided going very deeply into this question. Numerous, without doubt, were the topics to which he had adverted, and powerful had been the language which upon this occasion, as upon all others, he employed in discussing those topics, but with an extreme of caution he had confined himself to a simple declaration of the resolution to which he and those he represented had come—that resolution being expressed in the words "we must have equal justice, or we will have nothing at all." There was to be no "base compromise." No single point was to be flinched from, and no matter how or by what means brought about, there was to be a perfect, entire, uniform equalisation of condition and laws between the two countries, without even a reference to their totally dissimilar positions and entirely varied circumstances. "Equal justice we will have," mildly exclaimed the hon. and learned Member, "or else repeal." Now he begged to ask who was to define for that House what in Ireland was meant by the words "equal justice?" Were they, upon any question—no matter what its nature—to take the word of the hon. and learned Member on this point? Were they, he asked, to apply to the term "equal justice" such meaning as, in the spirit of the moment, or on the impulse of the moment, or for the political purpose the hon. and learned Gentleman might choose to attach to it. It was not so many years since Catholic Emancipation was designated by the party which the hon. and learned Member so peculiarly represented as the all in all of equal justice. Upon the passing of that measure it was stated that no more demands were to be made, that a perfect equality was then obtained, and that Ireland had no further ground for complaint. Had such proved the case? Alas! far from it. They were now told that Ireland was labouring under a stigma, and that it would even consider itself under disgrace, unless the same laws which were passed for England were passed for Ireland. The same laws?—did the words "equal justice" mean the same laws, or did they not mean the same laws? In the course of the discussion several hon. Members had stated that they would not be satisfied until they obtained full justice for Ireland. The people of Ireland said so, and the hon. and learned Member for Dublin, the authorized representative of that people, or a majority of them, said so, and therefore it must be done. To this he replied, "So should the House of Commons say, so would he say." He (Lord Stanley), as a Member of that House, now proclaimed that he would never be satisfied until equal justice was established in Ireland. He would not be satisfied until he saw every man of every sect, of every profession, of every station in life, however humble or exalted, brought under the control and domination, but at the same time under the protection, of one and the same law. He would not be satisfied until he saw in Ireland life secured against vindictiveness, barbarities restrained, and the laws carried into effect for the protection of the people at large. This was his demand of equal justice for Ireland; and in asking it, allowing that he was bound to look carefully into whatever act tended to procure it, he should consider it his duty to take into consideration how far the peculiar condition of that country, and the circumstances in which he then found it, rendered the specific measures to be introduced expedient and desirable. If they were not to be guided in their decisions by considerations of the peculiar condition in which that country was found, why, he asked, were they to spend their time, day after day, and week after week, in idle discussions upon the several Irish measures brought before them. If they were, is the legislation for that country to be guided solely by the principle that a law which was good for England was equally so for Ireland? If, considering no circumstances, looking to no political experience, regarding no result of observation, putting out of view all the promptings of sagacity for the divination of the future, and shutting their eyes upon all knowledge of the present, they were blindly to legislate for Ireland solely because they had legislated for England? What, he asked, was the object of having different Bills for the two countries—and why was it not so arranged that by a single clause each Bill passed for the one country might be extended to the other? The hon. and learned Gentleman who spoke last seemed to be much disappointed that no one had stood up to defend the exclusive system of the old Corporations of Ireland. He for one had never defended them, and he was not then about to do so. He admitted that they were bad in principle—that they were not adapted to the spirit of the day—and that they were altogether inconsistent with the present state of society. He admitted this—nay more, he claimed that they were so, because upon the admission of that fact was entirely founded the measure of which he was the advocate. While, however, making this admission, he contended, that while about to pull down that which was unsuited to the present state of the country, they were bound to look to the substitute which it was proposed to call into existence, and that they should consider more whether the measure proposed was expedient and necessary for Ireland, and not merely the fact that it had been enacted for England. The hon. and learned Member for Dublin had contended that the most advisable plan would be to sweep away Corporations at once and for ever. Why so it was contemplated by the proposition which he supported; while by that proposed by Government, mayors, recorders, sheriffs, town-clerks, mace-bearers, purse-bearers, and the whole paraphernalia of Corporations were continued, and even extended; and that in a manner which, he was ready to prove, would be a curse to the several boroughs, and at the same time most dangerous to the peace of the empire at large. In the observations he was about to offer to the House, he should endeavour to establish these two facts—first, that for all the main points to which the Bill extends, Corporations were in all towns in Ireland unnecessary; and secondly, that as regarded a majority of these points, they were not only unnecessary, but mischievous. Before proceeding, however, to the consideration of these topics, he desired to say one word with reference to the argument of those Gentlemen who did not ask that a Bill precisely the same as that passed for England should be extended to Ireland, but who, nevertheless, contended for the adoption of one and the same principle in the two measures. In the first place he had to observe, that the expression "adoption of one and the same principle," was a somewhat vague one, especially when addressed to the House by those who were the advocates for an identity of interests between the two countries. What was meant by this principle alluded to? Was it that of popular control? The right hon. the Chancellor of the Exchequer cheered him —might he ask what that right hon. Gentleman meant by the principle of popular control? Did he mean the giving to a certain class the power of making the laws, or the power of appointing those who should be qualified to make the laws, or the power of executing the laws, or the power of control over their administration through the medium of publicity? All these four attributes, namely, of absolute legislation, the appointment of legislators, the power of superintendence, and veto and publicity to all, were but the modifications of that which was designated popular control. Now, supposing they omitted one of these attributes in the Irish Bill, and another in the English, could they say they were acting strictly upon the same principle in both the Bills? Would they not be still leaving an opening for those who contended that the same laws ought to be passed for the two countries. He would endeavour to explain himself more clearly. Again he asked, what was meant by popular control? Those who contended for a similarity of measures for the two countries, told him that they wanted the principle of popular control introduced into the Irish Corporations. Now what did they mean by the term? Popular control might be the control of 50*l.* householders, or of 20*l.* householders, or of 10*l.* householders, or of 5*l.* householders—in short, the control of any set of individuals in the kingdom. The control of any of those classes would, strictly speaking, be popular control; and yet upon their difference depended not merely a detail, but the very principle of the measure to be adopted.—Why could it be contended that the 10*l.* franchise was a mere detail of the Reform Bill? Was it not the very base and essence of the measure? Well then, it being admitted that the differences of the qualification over which the term popular control might be made to extend were several, was it not necessary, in order to bring England and Ireland under a similarity of circumstances, that they should adopt an identity of qualification.—[" *No, no*"] He almost despaired of making his argument intelligible to the hon. Gentlemen who cried "No;" but, nevertheless, he would try. When the English Municipal Reform Bill was under consideration, would it not have been considered to make a material alteration in the whole character of the measure, if, instead of fixing the amount of qualification at 10*l.* a year, it had been fixed at 50*l.* or 20*l.*? Certainly, it would have been so considered. When, therefore, they were told that they were to apply the same principle to the Irish as they had adopted in the English Bill, was it not evident they failed in doing so, unless they named the qualification of 10*l.* householders. Again, what were the qualifications as to residence, &c. in the English Bill. Permanence of residence, and a permanent payment of rates for three years, were made essential. Were these qualifications required in the Irish Bill? Neither one or the other of them, but a six months' residence, with a 5*l.* qualification, and without any payment of rates, was all that was required; and that, they were told, was, as regarded Ireland, an identity of legislation with the 10*l.* qualification, with permanent residence and payment of rates, of the English Bill. The hon. and learned Member who in the last Session introduced the Ministerial plan of Irish Municipal Reform to the House, had endeavoured in his statement to apologise for this discrepancy; his argument being, that in the vast majority of the towns of Ireland, it would be impossible to find a 10*l.* constituency for the new Corporations. Now if that was the case, his argument in reply was, that where a 10*l.* constituency could not be had, there was no claim, no need, or indeed use for a corporation. Surely it could not be said that the wealthy town of Londonderry, containing a population of 19,900 souls, could not find a most numerous 10*l.* constituency. Then, he maintained, it was not necessary to go so low as a *5l.* franchise. It would be said, doubtless, that if there was anything in his argument for withholding Corporations altogether, it only applied to the small towns, and could not apply to such places as Belfast, Dublin, or Cork. But he (Lord Stanley) would inquire, in reply, how was it that Westminster, Sheffield, Leeds, Manchester, and many other great towns in England were not alone without a Corporation from their foundation to the present day, but had actually never expressed a wish to have one? He was yet to learn, and he should hear it with surprise, that these important towns, or the metropolitan boroughs, had petitioned Parliament for the blessings of a municipal Corporation. In depriving the large towns of Ireland of councils the House would not be depriving them of a governing body. The hon. Member for Belfast—whose speech, notwithstanding the attack and observations of the hon. and learned Member for Dublin, was such that he had no occasion to be ashamed of its matter or manner—the hon. Member for Belfast had shown in the latter part of that speech, by an extract from the report of the Irish Municipal Corporation Commissioners, that in the article of local government these towns could never be at a loss; inasmuch as it was carried on in the principal points under discussion without any reference to the existing Corporations. What were the principal objects for which Corporations were required? Paving and lighting were among the foremost. In regard to these the statute of the 9th of King George 4th was in operation in Ireland ever since its enactment; and it was optional with any towns which felt so inclined to adopt it, and apply its provisions? How many towns had done so? Youghal, Derry, Dundalk, Longford, Armagh, and three others. About eight towns in all, in Ireland, had adopted the Act. In seven others of equal size and population the question was put to the *5l.* householders, whether they would have the benefits of it, and they all refused, on the plea that it would saddle them with too great expenses, and impose Corporations upon them. Was the Bill before the House likely to be a boon to those towns? Cork, Limerick, Londonderry, Belfast, and Waterford, had local Acts of their own for lighting and paving, with which the provisions of the Bill would not interfere? and in each of these cities the Corporations were excluded from all participation in them. There were also in Dublin, Cork, Londonderry, Limerick, and Drogheda, Ballast Boards and Boards of Harbour Commissioners to attend to the subjects comprised in their respective names; and the members of these Boards being selected from individuals having no interest in the matters which they were constituted to take charge of, generally gave great satisfaction to the inhabitants. In Londonderry, it was true, the Harbour Commissioners had been complained of, as men having no interest in the shipping of the port? but would the Bill before the House supply any thing to remedy the defect? Was there any part of its machinery which could be converted to that purpose? Hon. Gentlemen on the other side were anxious for an identity of the Bill before the House with the Bill for the reform of Municipal Corporations in England. He would beg to call their attention to a striking dissimilarity in it as it stood. In the English Bill the Boards constituted under the 9th of George 4th. had the power of resigning or transferring their functions to the town-council and the town-councils had a power of receiving and exercising them. In the Bill before the House there were some clauses (51, 52, 66, 67, and 82) to a like effect; but there was also a discrepancy to which he begged to direct the views of hon. Members opposite. Clause 51 required the accounts of the Harbour, Ballast, and Wide Street Commissioners to be laid open to the inspection of the town-council. Clause 52 compelled the officers to account to the council, and give the latter a summary remedy in case of non-compliance. Clause 66 empowered the councils to act as visitors and trustees. He would not weary the House with an enumeration of the contents of the several clauses, but he would come at once to the important one. By Clause 66 the council might assume the power of the Commissioners under the 9th of Geo. 4th., cap. 82. The English Bill gave the same power, in the same terms, but there was an addition to the Bill before the House which that measure had not. In the marginal note the words *et cetera* were added, thus giving the councils to be created by it full and exclusive power over all Boards and other bodies connected with the local administration of the borough, or any part of it. In England it was optional with these Boards to surrender their power and transfer their functions to the town-councils: in the Irish Bill they were to be compelled to surrender them without reservation. With respect to many other matters, he (Lord Stanley) admitted that the ground of debate had been much narrowed; and that the question had not now such an extensive bearing as it presented before, in consequence of the superintendence of justice—the appointment of Sheriffs and other important matters being taken away from it. These reductions had brought the question to this—whether the Legislature should provide, by means of the expensive and cumbrous machinery of town-councils and corporations, for the exercise of the small functions of the towns of Ireland, or permit them to stay as they were, as it appeared they wished to be. The watching, paving, and lighting were in the hands of Commissioners: the only points which remained were the appropriation of corporate property and the administration of justice; with respect to the former of these items, he should beg to call the attention of the House to the actual state of corporate property in Ireland. The total amount of corporate property in all the incorporated boroughs in that kingdom, according to the Report of the Commissioners, was 61,397*l.* per annum. Of this sum the revenue of the corporation of Dublin was 28,000*l.*, a great portion of which was administered by their local Boards. The residue was 33,000*l.* between the remaining boroughs. Five of these towns had an income of 21,800*l.* between them which was administered partly by the Corporations and partly by the local Boards; and thus only 11,200*l.* was left between forty-four Corporations, being an average of about 200*l.* per annum to each. Was it worth while to introduce the expensive machinery of a Corporation for that small sum? Out of the corporate property in Ireland, amounting to 11,520*l.*, there was 6,400*l.* consisted of tolls. Of the corporate property of Limerick, amounting to 4,500*l.*, there was an amount of tolls of 3,700*l.* In Kilkenny, out of 2,200*l.* there was not much of that sum which was formed by tolls, but there was 968*l.* collected from tithes. Of course he could not be supposed to wish to abolish tithes, but he did think that one of the greatest boons that could be bestowed on Ireland would be the abolition of tolls. The hon. Gentleman, the Member for Waterford, (Mr. Wyse) in a speech that was facetious but not convincing, had done him the honour of addressing a remark to him when, in speaking of this system of separating tolls from other corporate burthens, he compared it to a man with his head cut off. Now he had never seen a man in that condition, but he believed that there was nothing in the separation of the head from the body at all like the separation proposed in the plan of his noble Friend. He was also asked, did he desire the abolition of corporate property altogether? No such thing. He would have the expenses ascertained of collection, and would have tolls altogether remitted. He was not only ready and anxious to get rid of tolls, but was convinced that if the people were left free to choose, they would rather obtain the remission of them, than by means of self-government, realize many of those prospects held out to them by agitation, and instead of the new Corporations that were talked of as being necessary to establish the proposition advocated by that side of the House, they would desire a Commission appointed by the Crown—not for the purpose of confiscating property—but to ascertain the amount of all necessary expenses of collection, and of learning the amount of debt; which things should be ascertained, and if any surplus remained, he would hand it over to the people. If the people could speak for themselves he did not doubt that they would so wish it to be arranged. He had no jealousy whatever of intrusting the people of Ireland with the administration of their local affairs. These funds might be applied to the purposes of watching and paving under the same regulations as laid down in the 9th Geo. 4th. He had no jealousy of Catholic or Protestant, but felt bound to say that, looking at the relative position of Protestants and Catholics in Ireland, he could not lose sight of the distinction. Mixing up their religion with the exercise of their municipal functions, no one could deny that they would not be liable to turn them to the political purposes of agitation. But let those funds be applied to the simple purposes of paving and lighting, and any further corporate system would be unnecessary. Nay, more; he thought it would be mischievous and dangerous, and he could not conceal from himself the belief that it would have a tendency to keep up and excite the worst feelings of religious animosity. He did not wish to go over the same ground so ably traversed by his hon. Friend, the Member for Belfast (Mr. E. Tennent), but he could not but remind the House that, in every page of the evidence that had been submitted to it, as well as in the columns of every daily newspaper, there were abundant proofs of the influence of the Catholic clergy, and that they exercised that influence for the furtherance of political designs peculiar to the Catholics. His hon. Friend had said that their funds might be applied as they were under the 9th of George 4th., for paving and lighting. This was objected to, and why? Because it gave no political power —no emolument, and he was sorry to say it—sorry it should be so—but he could not close his eyes to the fact, that the Protestants of Ireland required protection, because it increased the political power of the Catholics. He did not wish to advert to these subjects, but he was compelled to do so. He was sorry to say anything in the absence of the hon. and learned Gentleman, the Member for Dublin, which referred to his statements; but he had no alternative, as that hon. and learned Gentleman had thought proper to leave the House on the moment of his rising. It would have been pleasanter to say anything in refutation of those statements in the presence of the hon. and learned Gentleman; but, as it was, he must refer to those statements in his absence. The hon. and learned Member had distinctly stated that Ensign Matson was never confronted with a Catholic clergyman. He was sorry to detain the House on what might appear to be an unimportant point; but the point was not unimportant, when it was observed the authority that attached to the statements of the hon. and learned Gentleman. That hon. and learned Gentleman, to use his own expression, met statements with all that "flippancy of denial," which he unjustly charged upon others. That hon. and learned Gentleman, in answer to some observations made by his right hon. Friend, the Member for Cumberland, with respect to the disrespectful conduct of the rev. John Burke to Ensign Matson, of the 59th, who had attended the Roman Catholic chapel, in command of a detachment of Roman Catholic soldiers, said that he was quite sure no Roman Catholic clergyman would use the word "heretics," in the manner imputed. The noble Lord then proceeded to quote some passages which had been taken in evidence before Committees of the House, in which the harangues of Mr. John Burke were quoted, predicting the downfall of the tottering fabric of the heretics—[Mr. *Sheil:* it was the tottering fabric of heresy.]—Oh, heresy! Where was the difference? not heretic, but heresy. And this, he was to be told, was the denial. There was no grappling with arguments such as these. If those were the terms on which the question was to be discussed, he must despair of anything like impartiality. He must say, however, that he had turned to the Minutes of Evidence given before the Committee of 1832, on the state of Ireland, and he found Ensign Matson stating that Mr. Burke had said from the chapel, "I will tell you what it is, boys, the tottering fabrics of the heretics are falling about their ears, whilst the Catholic religion is rising in glory every day. Ireland was once Catholic Ireland, boys—it will and shall be Catholic Ireland." "On being asked if he had used those expressions, Mr. Burke replied, "the word 'boys' I did not use. I said, 'the tottering fabric of heresy was falling around us, while the Catholic religion was rising in glory, undoubtedly." And yet the hon. and learned Gentleman contended that no Roman Catholic clergyman would bring himself to use so offensive a term as heretic! There was also the case of Lieutenant Brown; in which words were used by the Catholic priest at the altar, of so offensive a nature, that the officer was compelled to march his troops out of the chapel. Another case was that of Father Kehoe. What he had said had been taken down in short-hand, and yet it had been argued that it was not a fair evidence. At the time it was taken it was not contradicted, and although the contradiction might have been made the same day, and the evidence was given in a neighbouring Committee-room, in which the rev. Gentleman was at the time, it was left to be contradicted in the columns of the *Carlow Sentinel*. He was aware that these facts were not necessarily connected with the subject before them, yet he had felt bound to advert to these statements to show what dependence was to be placed upon the flat denial of those who contradicted the facts relating to the agitation of the Catholic priests in Ireland. At fair, and at market, at the altar of the chapel, at Quarter Sessions and Petty Sessions this system of political agitation was carried on. It was not from any distrust of the Catholic as such, but from the conviction of his moral unfitness, produced by this system of political agitation that he felt bound to adopt the proposition of the noble Lord. Besides, the system proposed by his noble Friend was infinitely less expensive and cumbrous than that proposed by his Majesty's Ministers, while theirs was free from the benefit that this plan offered by transferring the power to a Commission. Hon. and learned Gentlemen opposite might think lightly of that portion of the question; but he considered that any consideration sunk into insignificance and obscurity compared with the necessity that existed for preventing political power being in the hands of an unreflecting multitude. They had been told that let but this measure be conceded and agitation would cease. The hon. and learned Gentleman told his Majesty's Ministers so, and his Majesty's Ministers told the House. Who, exclaimed the noble Lord, with great emphasis—who believes it? They were told that after this last step they would halt. Why how had every step been followed but by a demand for a fresh instalment; The hon. and learned Member for Dublin said that he was aware he had too much influence in Ireland, and that he wished that influence were diminished. Good easy man! He did not desire popularity and power, no; he sighed for obscurity; and recommended that the influence which he possessed should be diminished. The hon. and learned Gentleman had told his Majesty's Ministers so; and his Majesty's Ministers believed him. The hon. and learned Member for Dublin said that this was the last step. Who knew that it would be the last step? Who believed that it would be the last step? The hon. and learned Gentleman said, that the Protestant religion was the established religion in England, because Protestants formed the majority of the population; and that the Presbyterian religion was the established religion in Scotland, because Presbyterians formed the majority of the population. The hon. and learned Gentleman proceeded to declare that equal justice ought to be done to Ireland. What could that mean, but that the religion of the great majority of the population of Ireland should prevail, and that that should become of the established religion? And why was it that the hon. Gentleman said, the population of Scotland obtained their existing religious estalishment? Because they had broadswords, sharp and long. Would the House of Commons listen to such arguments? Would they believe that this was the last step? No; the hon. and learned Member for Dublin avowed the existence of ulterior objects. He had ulterior objects (and his Majesty's Government knew it) far beyond any which had hitherto been disclosed. And yet an attempt was made to persuade the House that, by throwing into the hands of a large majority of the people of Ireland political authority, under the guise of a control over their domestic concerns, the power of the hon. and learned Member for Dublin would be diminished. The object of the hon. and learned Gentleman was evident, and he went straight forward to it. He (Lord Stanley) did not blame the hon. and learned Gentleman; but if he might do so without offence, he would apply to his noble and hon. Friends opposite the word, severe and earnest in their meaning, which the greatest of our writers had put into the mouth of one of the most finely drawn of his characters, when addressing those who had raised Bolingbroke to the throne of England:—

> ————"I cannot blame his cousin king,
> That wish'd him on the barren mountains starv'd.
> But shall it be, that you,—that set the Crown
> Upon the head of this forgetful man,
> And, for his sake, wear the detested blot
> Of murd'rous subornation,--shall it be,
> That you a world of curses undergo,
> Being the agents, or base second means,
> The cords, the ladder, or the hangman rather?—
> O, pardon me, that I descend so low,
> To show the line, and the predicament,
> Wherein you range under this subtle king—
> Shall it, for shame, be spoken in these days,
> Or fill up chronicles in times to come,
> That men of your nobility and power,
> Did'gage them both in an unjust behalf,—
> As both of you, God pardon it! have done,—
> To put down Richard, that sweet lovely rose,
> And plant this thorn, this canker, Bolingbroke?
> And shall it, in more shame, be further spoken,
> That you are fool'd, discarded, and shook off
> By him, for whom these shames ye underwent?
> No; yet time serves, wherein you may redeem
> Your banish'd honours, and restore yourselves
> Into the good thoughts of the world again:
> Revenge the jeering, and disdain'd contempt,
> Of this proud king, who studies, day and night,
> To answer all the debt he owes to you,
> Even with the bloody payment of your deaths."

He called on his Majesty's Ministers—he entreated them—he implored them—were it only for their own sakes, to dare to fill the stations which they appeared to occupy: to do equal and impartial justice to all classes and denominations of his Majesty's subjects; to support, maintain, and uphold, an equal administration of the law; and with respect to Ireland, especially, to be the faithful protectors and friends of every party, without making themselves the slaves of any.

Lord *John Russell* said, that although he was bound to believe that the opinions expressed by the other side of the House were consistent with those which they formerly entertained, he nevertheless found himself in a very singular position. In former times, the doctrine maintained by those who now sat on the other side of the House was, that it was incumbent to reform, not to destroy; to repair, not to pull down; and that every endeavour should be studiously made to bring back our institutions to their original state.—Those were doctrines which he himself entertained. Wonderful to say, however, he now found that the opinions which had prevailed in the reform of Parliament, in the reform of the Church of Ireland, in the reform of the Municipal Corporations of England and Scotland, were opposed by those who styled themselves "Conservatives." They were the persons who now came forward to declare that the existing institutions should be destroyed; for that there was no term of opprobrium too powerful, no sentence of extinction too severe, to inflict upon them. Now, he must say, that those who thus maintained a position so different from that which they had hitherto always upheld, had no right to call on those whom they opposed to prove the course they had adopted was the right course. It was for them to show that there was something so peculiarly evil in the Municipal Corporations of Ireland, that those ancient institutions ought to be wholly abandoned. He would quote to the House the sentiments of Mr. Burke, who, in speaking of the French Revolution, had emphatically warned statesmen against the evils of wantonly sweeping away the forms of ancient institutions, were it not so late; but, as it was, he must content himself with adverting to a few principal points. He would compare, as shortly as he was able, the plan proposed by his Majesty's Ministers, and the plan which it was proposed to substitute. In doing so, he did not feel called upon to defend the general principle of the Bill, which was the same as that of last year. That principle was the propriety of preserving the Corporations, but at the same time of subjecting them to popular control. In the first place, with respect to the administration of justice, the Bill provided, that whenever the council of a borough should be desirous that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the trial of civil actions, should be held in the said borough, it should be lawful for his Majesty to appoint a Recorder for the purpose. Now there did not appear to him to be any reason to believe that the plan proposed by the noble Lord was superior to this. With respect to the property of Corporations, the noble Lord's proposition would place that property in the hands of Commissioners; but in a manner involving an invasion of property greater, perhaps, than had ever before been attempted. He was at a loss to conjecture how this violation of property could be justified. Then came the question of paving, lighting, and watching. These, said the noble Lord (Stanley), were fair municipal questions, and were so provided for by the 9th Geo. 4th. But was that really the case? Even if they were fairly and properly provided for by that statute, did it follow that they would be less fairly or less properly provided for, if the parties who had the control over them were popularly elected. Let not the assumption of the noble Lord (Stanley) upon that point be taken as fact until the matter had been duly considered. Let the House go into Committee upon the Bill now proposed, and see whether the provisions it contained upon the subject of paving, lighting, and watching, were not an improvement upon the provisions which at present existed under the Act 9th Geo. 4th. Upon the subject of tolls he must certainly admit that he should have no objection to have a great part of the existing tolls in Ireland inquired into, and, if necessary, abolished. At the same time there were a few facts connected with the importance of tolls, to which he should beg shortly to refer. First, it appeared by the Corporation Report, that in the town of Galway much discontent had arisen from the imposition of tolls which had not fairly been applied to Corporation purposes; but no sooner had the Lord Chancellor of Ireland, (Sir Anthony Hart) pronounced a decree for the proper application of those tolls, than they were paid with cheerfulness, and without the slightest expression of dissatisfaction. In another case, a noble Lord—he would mention his name—the Earl of Egremont, had a property in tolls in the town of Ennis, which tolls, according to the charter by which the noble Earl held them, were only to be collected on a Tuesday. By the 9th Geo. 4th, the noble Earl was deprived of the power of collecting them on that day. What was done? In the month of February, 1835, when the right hon. Baronet (Sir R. Peel) opposite was Prime Minister, and when the right hon. and gallant Officer was Secretary for Ireland, there was a new grant made to the Earl of Egremont, by which he was enabled to collect the tolls on every day in the week. If, therefore, so strong a feeling now existed amongst the right hon. Gentlemen on the Opposition side of the House for the application of tolls in Ireland, he certainly could not help remarking that it must be a feeling of recent growth, seeing that it could have had no existence in February, 1835. Comparing the two measures, therefore—the measure proposed by his right hon. Friend (the Attorney-General for Ireland), and the measure proposed by the noble Lord opposite (Lord F. Egerton)—he begged to ask the House what possible ground there was for preferring the rash and rapid measure of total destruction recommended by the latter? With regard to the administration of justice, there was scarcely a difference between the plan proposed by the noble Lord, and that proposed by the Government; but upon other points he conceived there were very material differences. With regard to corporate property, he conceived the proposal made by the noble Lord to be of a highly dangerous description. With respect to the paving and watching, he thought it better to allow it to continue a municipal charge, to be left at the discretion of the inhabitants, to be acted on according to their several wants and local interests. When he looked back to the professions of hon. Gentlemen opposite last year, in accordance with the declarations made in another place during the conference on the English Corporation Bill, "That it was advisable to have Municipal Corporations for the preservation of peace and good order in communities and towns," he could not help thinking that the amendment before them was a clumsy and common expedient for effecting the purpose of their party. Its character, rash, revolutionary, and destructive, presented a strange anomaly with those usually proposed by them, and afforded no proper clue to the real principle contained in it. They had had but a faint outline of that principle afforded them in the speech of the Noble Lord who introduced the measure; but it was laid down fully and broadly in that of the noble Lord who spoke last, that the reason why we might establish municipal corporations in England yet not in Ireland was, that here the majority of the people are Protestants and that there they are Roman Catholics. He would ask for what other purpose than to illustrate this exclusive principle more fully did the right hon. Baronet the Member for Cumberland read the quotation bearing on the question of Protestant privileges? He recollected, that when the Roman Catholic Relief Bill was going through the Upper House, some noble Lord inquired, whether it was meant to admit Catholics to the high and honourable offices of Prime Minister, Secretary of State, and President of the Board of Control; and that the Duke of Wellington replied, that it was not intended any longer to make any invidious distinctions between the two religions, but to leave every legal, civil, and military office and emolument under the Constitution open to Catholic as well as to Protestant. And now it was said, notwithstanding the Duke of Wellington's liberal construction of their capability to attain the highest dignities, that they are not fit to become aldermen, sheriffs, and common-councilmen. But it was alleged against the Catholics of Ireland, that Father Kehoe had declared that "the Catholic religion would triumph at last, and the Protestant ultimately fall." Now, supposing this true of Father Kehoe—although the reports of his speech varied very much—what did it amount to against the other Catholics of Ireland? It was undoubtedly harsh language, but nothing new to claim the attention of the House. Mr. O'Connell, Dr. Drumgoole, and the orators of the Catholic Association, had used much the same while the Relief Bill was in agitation; and it was then said, as now, "O, will you grant Emancipation to these men?" Yet did such considerations ever stop Lord Grey or Fox—he begged pardon. Fox was before that time—or any of the great promoters of the Catholic Relief Bill? No. They urged the question on its merits, independent of incidental considerations, well knowing that when a people are excited inflammatory expressions will break from them, and that the best way of stopping it is by cutting away the just grounds of complaint, when the bad language would cease, as a matter of course. And he would ask, why not adopt the same liberal and consistent course of legislation now? We had adopted it in the one case, and why not in the other? Would it be seriously said, that Catholics ought to be excluded from all participation in Municipal Corporations as tainted with treason and rebellion? Would they offer such a justification to the wealthy and respectable Catholic inhabitants of Cork, Kilkenny, Limerick, and that stronghold of Protestantism, Londonderry? Would they oblige the Catholics of Ireland to feel and to exclaim—"You do not confide in us as good subjects notwithstanding you have passed the Relief Bill?" Then, indeed, that Act would become a dead letter, as the right hon. Baronet had formerly predicted in a similar position of the argument. He was for carrying the principle of equality without regard to sectarian differences in all csses as they arose. In this spirit he was glad to hear the rebuke which his noble Friend gave to the hon. Member who had questioned him on the religion of the individual who had received legal appointments in Ireland lately. It was the business of Government to make no distinction of the kind, and they would persevere in the exercise of impartial justice in all such cases, unmoved by the advice or "the instruction" they had received—in the poetical language in which they were reminded that they were the slaves and tools of he knew not what, besides a particular party in Ireland. He knew, indeed, that the quotation of his noble Friend had no relation to the conduct of Ministers on the measure before the House. With respect to their policy on the subject of the present Catholic claims, he thought it still the best policy to conciliate. It had been said, by way of taunt and provocation to retrace his steps, that Mr. O'Connell exercised the governing power in Ireland; but what was that to him so long as he approved the exercise? He would be but a bad politician if he allowed himself to be turned from a good course by the imputation of having received powerful assistance by the way. He cared little for obloquy as long as he believed the measures he adopted were good, and he would be ready to bear all the abuse and vituperation that could be heaped on him if he could effectively do away with the evils and anomalies that embarrassed the condition of the municipalities of Ireland. He believed much that was uttered by the hon. Member for Dublin was perfectly true, and especially, that if just and equal laws were instituted for the people of Ireland, there never would be any occasion to dread a separation between the two countries, but that both would remain firmly united in the cause of liberty, and might hope to enjoy a degree of prosperity uninterrupted by rankling feelings of jealousy or a sectarian spirit of discord. In conclusion, he would conjure them to trust to the principles of liberality and justice in their dealings with their Catholic fellow-subjects, and not to distrust the ability of their own professors to maintain the principles they taught, without the aid of social injustice. If, on the contrary, they neglected his counsels, and sought to perpetuate an ungenerous mastery by force and violence, he warned them that they would only arrive through a long and painful course of enmity and strife at a separation—a national calamity of the greatest magnitude to both countries, which, by the adoption of a course of wise and generous policy in the present seasonable opportunity, they might for ever avert.

Sir *Robert Peel* rose and said—Before I address myself to the speech of the noble Lord who has just sat down, I beg to be permitted to offer some remarks in reply to the observations of the hon. and learned Member for the city of Dublin, who left the House on the conclusion of his speech, and has just now returned. And I would beg leave to assure the House that I have no wish to provoke a contest with the hon. and learned Gentleman in the course I shall pursue. I can promise the House that I shall not be tempted to indulge in any of that offensive vituperation which in his attacks upon me (even while absent) the hon. Member has so liberally meted out. I never felt annoyed at these displays, and, therefore, have really no sufficient provocation to retaliate. He has said to-night that I misrepresented a speech of his (on the last night I had an opportunity of addressing the House on this subject) in my quotation of a particular passage which I then read, and which he said I had copied from a newspaper unfriendly to him. I explained that I had taken it from the *Mirror of Parliament*. The hon. and learned Gentleman denied it, and insisted that it was taken from a hostile newspaper. In that respect, however, he was wrong, and I shall prove it by reading to the House the exact words (the *ipsissima verba*) from the copy of the *Mirror* now before me. I had mislaid the extract I had made at the time, and, having found it, will now trouble the House to permit me to read it again. The right hon. Baronet read as follows from the *Mirror*:—"England has received an instalment of Corporate Reform, and well she has availed herself of it already. The sword is fastened in your vitals, and you feel it festering there. You regret the triumphs the Reformers have gained in the municipal councils. You know that there is not one of these councils that will not be converted into a normal school for teaching the science of political agitation." The hon. Gentleman has charged me [the right hon. Baronet continued] and others, including my right hon. Colleague, the late Secretary for Ireland, with having been guilty of the commission of a deliberate insult to Ireland. I, Sir, feel this taunt the less, and have this for my consolation, that there has not been a single man of any party connected with the affairs of Ireland since the period when the hon. Gentleman first took an active part in the politics of that country who has not earned for himself similar vituperation, and been called the enemy of Ireland. We have one and all been called the enemies of Ireland. The hon. and learned Member has charged me, in common with every other individual who has ever filled the office of Chief Secretary for Ireland, with having offered an intentional insult to his country. Against such a charge I do not deem it necessary to say one word, as the same accusation from the same quarter, has been levelled at every man who has rendered himself obnoxious to the political views of the hon. and learned Member. In all this, there is nothing new; but I must observe that it was somewhat new to me to hear such a charge absolutely cheered by the Ministers of the Crown. And you, the Ministers of the Crown—who echoed the chorus of applause with which the hon. and learned Gentleman's accusation was received by his friends—how long have you escaped from a similar charge preferred against you and your connexions? Why, Sir, what—when speaking of Earl Grey's Government, from the first moment of the noble Lord's accession to power to his ultimate retirement from it—speaking of that Government and of its disposition towards Ireland—what did the hon. and learned Gentleman say? He said—"I now come to complaints and grievances of the popular party in Ireland. The Irish complain. Why? Because of the misconduct of the reforming Administration, called, for shortness, 'Whigs,' towards their country. They allege—and they allege truly—that since Lord Grey came into office, to the present moment"—which, the House will observe, was after Lord Grey's retirement from office; so that the hon. and learned Gentleman's observations embraced the whole period of his Government—"nothing has been done for Ireland—no one advantage has been gained by the Irish people. Their enemies have been promoted and rewarded—their friends calumniated and persecuted. Never was there known a more uncongenial or more hostile Administration in Ireland, than that which has subsisted since Lord Grey came into office, and still subsists. All the power—all the authority—all the influence of State has been placed in Orange hands; and the exclusion of the popular party has been nearly as complete, and much more insulting than it was in the worst days of Goulburn and Peel. Their enemies and yours have been the exclusive subjects selected for everything valuable in the country; and we are more insulted by the Orange instruments of power, than ever we were in the times of the most rank and dogged Tories." I hope, therefore, after reading these passages to the House, that the hon. and learned Gentleman's charge against me, of a desire to insult Ireland, will not be taken for granted, unless it be supported by more substantial facts than any he has yet brought forward. The hon. and learned Gentleman says, "Ireland ought to be contented with nothing but equal laws." Sir, we admit that proposition; we say that Ireland ought to have justice done to her; we say, that without equal laws she never can, and never ought to be content. Yes, Ireland ought to have equal laws, which should practically secure every British subject from oppression; which should entitle every man, whether Protestant or Roman Catholic, to the same freedom of opinion, and the same freedom of action. But at the same time we say, that if, under the pretence of establishing a perfect analogy and identity of law between the two countries (between the circumstances and the state of society respectively existing, and in which there is no identity or analogy;) if the Government introduce measures which cannot practically contribute to the administration of equal justice and the security of equal privileges, then we say you will fall into the very error against which Roman Catholics have protested: and whatever may be your theories of equal government, and your speculative enactments, you will only produce, practically, those unjust and unequal laws against which the noble Lord has protested. Let us have, then, some definition of what it is in which that justice consists. The right hon. and learned Gentleman, the Attorney General for Ireland, has said, that identity of corporate institutions constitutes justice to Ireland. But has not he expressly avowed an opinion with respect to future claims, equally founded, as he insists, upon the plea of justice—and the grant of which, having gained this step, he will hereafter seek to obtain—using the present concession as a means for extorting what remains? I admit that the fear of ultimate consequences—the fear of having other things extorted upon the strength of it—furnishes no conclusive reason against granting this specific concession, if it be founded in justice. If this be a just demand—if the refusal of it would bestow unequal privileges, or work out an unequal distribution of justice—then, I say, it would be better to run the risk of any ultimate consequences than, by a refusal, to give ground to a well-founded feeling of dissatisfaction. I avow that I believe the principle of our rule in Ireland must be the equality of civil privileges, and a perfect and impartial administration of justice; I say that there is a *prima facie* case for establishing an identity of institutions between the two countries. We must wish that the institutions of the two countries should be assimilated; but this wish should be subordinate to the consideration of whether or not the proposed measure, which is only a means to an end—the end contemplated being the impartial administration of justice, would attain the end? Let us, then, throw away abstract matter of discussion and argument; and if, upon cool deliberation and inquiry, we find that this concession would be productive of consequences incompatible with the administration of justice and the security and tranquillity of Ireland, and the empire at large, let us pause before we agree to it, when the grant might be followed by a declaration of an intention to extort other desired measures by force—measures as revolting to the feelings of the Legislature as the threatened repeal of the Union? Different opinions seem to prevail as to what justice really is amongst hon. Members at the other side of the House. The hon. and learned Member for Dublin is continually changing his ideas on the subject. He now says, that justice to Ireland consists in identity of municipal institutions. Not long since, the hon. and learned Gentleman declared that there could be no justice unless there was an alteration in the present constitution of the House of Lords. At another time, he said that justice never could be had until the household suffrage was made universal. On other occasions the hon. and learned Gentleman has held it to be inconsistent with justice that the proprietor of an estate in England should be allowed to hold an estate in Ireland. Why, if——when upon the pretence of doing justice to Ireland, I am to be called upon to make concessions of this kind,—I see before me only a shadowy phantom, which the hon. and learned Member calls justice; but which constantly eludes my grasp, and which is the more formidable, because it is undefinable—and it assumes no shape but the one which the hon. and learned gentleman claims the exclusive privilege, year after year of giving it—if I have, constantly flitting across me, a phantom of this description; is it not fit that I should pause and consider well the step I am about to take, before I plunge into the depths in which it may precipitate me?—Much has been said about analogy; but I say that analogy is no rule, in such a case as this. If you are convinced that the concession to Ireland of institutions analogous to those of this country, will not produce an analogous enjoyment of rights under them; that the power intended to be made subservient to the administration of justice will be rendered, on the contrary, dangerous to the tranquillity of that country, then I say, we are bound to resist the motion; and I say, at once, with that conviction on my mind, I would rather resist it at once, and take the consequences which are menaced by the hon. and learned Gentleman, than, by advancing the first step in awarding this dangerous concession, which is miscalled justice, place in his hands an instrument which he would only wield to extort still further demands. I now come to the speech of the noble Lord, and I inquire whether his plan or ours be more consistent with the principles of justice. I shall proceed to analyze the speech of the noble Lord. The single argument upon which it rests is this,—that having given corporate reform to England and Scotland, he asks, " why dare you refuse it to Ireland?" He seems to say to the House, " You shall not be at liberty to consider the relative circumstances of the two countries;" he contends that Ireland ought to have the institutions which the Government by this Bill recommend, and that the point is, therefore, concluded. Sir, the noble Lord commenced his speech by repeating his pious horror at those " Destructives" who contemplate the destruction of the Constitution, and by expressing his reverence and respect for existing institutions. The noble Lord appeared so anxious to pursue such a consistent course of uniformity respecting the institutions of the country, not only as concerned the institutions now existing, but even those which are extinct, that I at first was rather disposed to imagine that he was about to lend me his powerful aid towards re-establishing and re-enriching the monastic institutions of the land; for he quoted a passage from that great political character, Mr. Burke, directed, as I at first thought, against the sudden and violent extinction of monastic institutions at the period of the Reformation, but which was really directed against the extinction of the monastic institutions of France; and the noble Lord argued that, because we are willing to vote for the extinction of corporate authorities in Ireland, we are acting in direct violation of the precepts of Mr. Burke. I am surprised that there is not more uniformity of sentiment on the part of the Members of his Majesty's Government with regard to the precise operation of their own Bill, for the Noble Lord, the Secretary-at-War (Lord Howick), said, that the two measures—that proposed by us, and their own—were as nearly as possible identical. The noble Lord, the more enamoured of his own measure (I suppose), on account of its resemblance to ours, observed, that however the features of the one might differ from those of the other, they evidently came from the same parent stock. They appeared so much alike that none could mistake their common parental lineage:—

> ———" Facies non" *duabus* " una
> Nec diversa tamen, qualem decet esse sororum."

" But," said the noble Lord, " the chief feature of resemblance between these illustrious sisters is this,—that they do both provide for the complete and entire extinction and annihilation of the old corporate system in Ireland. The noble Lord finds that he is not a destructive; but, on the contrary, having raised the ancient fortresses, he is about to erect—though not out of the old materials, but out of materials of his own creating, or collecting—new fortresses, which I believe, will be the sanctuaries of equal injustice with the old ones. The noble Lord has abandoned every argument which he at first advanced. He first said, that he would administer equal privileges to Ireland and to England. But before the noble Lord had concluded that one part of his speech, it was apparent that he was afraid to establish an analogous principle in his dealings with both countries. I will first take the subject of the administration of justice. The objection which I suggested to the proposal of the hon. and learned Gentleman opposite upon that head was, that to subject judicial officers to popular control, by popular election, would inevitably pervert and warp the due administration of justice. And so strongly did the noble Lords and hon. Gentlemen opposite feel the force of this observation, and so greatly did they distrust the plan they had themselves proposed, that it appeared they were unanimously ready to abandon that part of their plan; and they now think it would be better for the Crown than for town-councils to appoint those judicial officers. But they allow the town-councils in England, when the towns are counties of themselves, to elect the Sheriffs. Having established one rule in England, why—unless there really be a material variety—an essential difference, between the respective circumstances of the two countries, justifying the adoption of a different course of legislation towards each,—why does the noble Lord and his Friends permit the

Lord-Lieutenant to assume that power in Ireland? And here the House must allow me to refer to the speech made by the right hon. and learned Gentleman (Mr. O'Loghlen) on the first night of the debate. The right hon. Gentleman then charged me with a misconstruction of the Bill. The charge of the right hon. Gentleman was this:—that I led the House to believe that it was intended to have all the sheriffs and clerks of the peace appointed by the corporate town-councils, instead of their being nominated, as the Bill enacted, by the Crown. If such was naturally the construction which the House applied to my speech, I must confess that, as a body, the House must be much more ignorant of the provisions of the Bill than I supposed it to be; for I took it for granted that every Gentleman knows that, in towns corporate—not being counties of cities or towns—there is no such officer as a Sheriff. The right hon. Gentleman himself has said that there are only eleven towns and cities in Ireland where there are sheriffs. Now, there are fifty-four Corporations provided for in this Bill; there are only eleven towns, being counties of cities, in which there could, by any possibility, be either sheriff or clerk of the peace elected by the town-council. My objection is to their being elective officers, who, particularly after a contested election, shall have functions connected with the administration of justice. But, when the right hon. Gentlemen states that there are only eleven towns having Sheriffs, and charges me with a breach of candour in not explaining that fact, I beg to remind the right hon. Gentleman that he has also forgotten, in the heat of argument, to state the population of those towns. In those towns there are comprehended no less than 638,000 inhabitants; and this fact is, I think, a strong argument to shew the very important nature of the jurisdiction in question. I apprehend that the danger of Corporations appointing justices does not consist in the number of towns wherein that power may be exercised, but in the sphere in which those towns exercise an influence. The right hon. Gentleman also charged me with stating that the functions of the Chambers of Commerce would be usurped by these municipal bodies. I had quoted a passage from the Report, stating that if the functions of Chambers of Commerce in large towns were to be transferred from merchants to municipal bodies, great injury would be inflicted on their commerce. It is true that no paragraph conceived, in precise terms, to that extent, is in the Bill; but I believe, nevertheless, that the Bill will give to the municipal authorities a control over commercial affairs which will be very injurious, and which is not allowed them in England; for, the Bill before you provides that the body corporate shall be visitors of all Boards within, and connected with, the borough. The Corporation will have a power of interfering with the erection even of a bridge, and can inspect the accounts in such a case, for, I believe, a period of three months. Such an authority to call upon a Chamber of Commerce for its accounts, would be most injurious to commerce in England, and it would be equally so in Ireland. I was, therefore, not fairly liable to any attack for referring to this point. But I will resume the argument with respect to the administration of justice. The noble Lord, the Secretary-at-War, has admitted that there ought to be some distinction between the provisions of the Municipal Bill for Ireland and the provisions in the Bill for England—with respect to the administration of justice. It is admitted that this will form a fair subject for consideration in Committee. You have consented that in Ireland the Sheriff shall be appointed by the Crown, whereas in England, he is appointed by the town-council. [Lord *John Russell:* the appointment must be approved by the Crown.]—It must; but I contended, on a former occasion—and I think successfully—that it would be better to vest the nomination directly in the Crown. Upon that head it is impossible to disguise the truth. Let hon. Members read the evidence taken on the subject in 1825. In the Report of the Commissioners you will find a body of convincing testimony, shewing that popular election will give no control—I will not say against the perversion of justice—but it will not give any security or confidence that that justice will be properly administered. The same argument applies to the clerks of the peace in the towns in Ireland: and why should not the same argument equally apply to the mayor? Mr. Barrington before the Committee in 1825, was asked—"Have you been able to observe any distinction between the character of Magistrates acting under charters in towns, and Magistrates acting in counties at large?—He answered, I have, certainly. The magistrates acting under charters are not under the control of the Lord-Lieutenant, and therefore there is no responsibility." —That was Mr. Barrington's opinion in 1825. Mr. Barrington did not say that the election of a mayor, by the popular voice of a predominant party, would be a security for the due administration of justice. He said that, because the Magistrates of counties were under the immediate control of the Lord Chancellor, therefore justice was better administered. Why, then, should the mayor be a popular justice, chosen annually? Why should the mayor, after a severe contest, be invested with judicial power uncontrolled? Upon this point, also, hon. Gentlemen opposite must give way; for they cannot resist the force of argument, and the evidence of practical authority, which will be brought against them, on this head, from their own reports. The fact is fully established, that town-councils in Ireland can not be safely intrusted with the administration of justice. Then, Sir, with respect to the police, which is the next most important topic. I have shown, on a former occasion, that the Government themselves distrusted the local authorities with respect to the control of the police. It has transferred the nomination of the police from the Magistrates to the Crown. Now, this is what I complain of. When Gentlemen opposite were reminded of the principle of centralization, they said it was much to be deprecated; and they asked, "Will not you trust the people with the administration of their own affairs? They use that argument with regard to a body popularly elected, and probably elected by those whose political opinions are in conformity with their own; but with regard to those whose political opinions are not in conformity with their own, they adopt a different mode of reasoning. Centralization is good with respect to the nomination of constables; but as to town-councils, centralization is to be deprecated, and local knowledge and experience are to be preferably trusted. But you do not apply that principle to the Irish Magistrates. So it is, again, with respect to the mode of legislation. The difference of the situation of the Church in Ireland, from its situation in England, was allowed by this House to be a circumstance justifying a difference in the legislation to be pursued upon their respective affairs. But when I and my friends say, "Might not a similar difference of circumstances call for some different mode of legislation with respect to municipal Corporations in Ireland, from that we have pursued with respect to such Corporations in this country?"—then the argument which was heretofore used by the hon. Gentlemen opposite with regard to the Church is abandoned; and they reply that "Any intention to refuse to Ireland equal and analogous institutions with those of England, would justify the Irish people in attempting to repeal the Union." What principle of reciprocity, or of fairness is there in such reasoning? The Chancellor of the Exchequer has attempted to shew that the municipal police of Ireland are mere Dogberries, like the old watchmen of the metropolis, having no power, no efficiency. If so, why does the right hon. Gentleman wish for their continuance? Is this one of the institutions of England, which ought to be extended to Ireland? Is there no danger to be apprehended from allowing a political body to have, at its command, a constabulary force unlimited in its extent. I ask the noble Lord to read the section of his own Bill, and he will there find that the proposed corporate system is neither more nor less than this, that an indefinite number of towns (for though the Bill says fifty-four, the number is still indefinite) shall have salaried officers, and a watch committee, having under it a separate armed force, paid by the municipal authorities, and authorized to patrol the towns and their neighbourhoods. Why, then, do you destroy the unity of your system by depriving the Magistrates of the power of recommending these constables? There might be two neighbouring towns having councils differing in political opinions, each possessing the power of appointing an indefinite number of constables, and each having different by-laws. Let us suppose Protestant principles to prevail in one town, and principles of an opposite character in the other: do hon. Gentlemen think that it would conduce to the peace of Ireland, that they should have these separate functionaries enforcing their separate bye-laws? Will it be for the good of the country to have a Magistrate, popularly elected, trying offences in each town? The argument against this part of the measure is as conclusive as that with respect to the appointment of justices. It is condemned by the fact of its being equally at variance with your own principles and with common sense. Then comes the administration of property. The main and prominent argument in support of the Bill has been, that we must first, and without delay, apply civil institutions to Ireland analogous to those which have been established in England; and my objection to the appointment of Commissioners for the management of corporate property, is one on which the noble Lord, if I rightly understood him, mainly relied. I should, therefore, be sorry to evade the argument which has been most relied upon, and which has made the most impression. The noble Lord has asked whether the Commissioners are to be permanent or temporary? Sir, I apprehend that the appointment of Commissioners is rendered necessary upon these grounds. We admit that the towns, where the Corporations possess any surplus property, have the right to apply that property to some local purpose, and that every facility should be given them to recover such property. But in many towns there are no local authorities to whom the charge of that property could be given. In the towns where the provisions of 9 Geo. 4th. have been enforced, there are such authorities; but in those towns where they have not been enforced, it becomes necessary to provide a temporary and *ad interim* arrangement, for taking charge of the surplus property; but it should be a provisional arrangement only. It has this advantage; it would enable you to obtain a short delay, in order that you might take a more general and comprehensive view of the future application of corporate property in Ireland. But what does the Bill propose? To vest all the property in the town-councils permanently, without reserving to the Crown any control over them. Your Bill, also, would vest in the new town-councils, the right of tolls. Now, we say that it would be an improvement to suspend this privilege in the councils, until the extent of their just or expedient control over them could be defined. There is no matter more important than the regulation of tolls in Ireland. I am of opinion that a provision should be made for their total extinction. Let us see what was said by the hon. and learned Member for Dublin, in 1825, before a Committee on the State of Ireland. Being asked whether he could refer to any additional instances of corporation abuses, he answered—"That the Corporations of Ireland continued to exact the tolls, although they had no longer a title to them. The tolls were formerly granted, and confirmed by succeeding Kings, for the purposes of repairing bridges, keeping up fortifications, and other local establishments, civil and military. The former have gone to decay, and the latter are supported by presentment—still they levy the tolls. Is it possible to resume the amounts which the tolls now bring in, under the different Corporations?—Yes, so far as the leases define them, I believe it is, but not to an extent equal to what the lessees now receive." Yet, as tolls may continue—but not to their present amount—which, I ask, would be the better course—to wait, before you appropriate the tolls, and see what kind of engagements for their management can be entered into—or at once to allow the town-councils to succeed to the right of collecting them? Now, I say, unhesitatingly, it would be more prudent to appoint Commissioners for the temporary administration of them. There cannot be a doubt, apart from party contests, that the plan we recommend would be more conducive to the satisfaction and welfare of the people of Ireland. So much for the tolls. The noble Lord seems shocked at the mention of Commissioners—he seems absolutely astounded at the name of them, though I think his government should be less so than any other;—and that the noble Lord should pretend that there is danger in the Crown appointing Commissioners, when his government has been conducted, throughout, by the intervention of Commissioners—is to me extraordinary indeed. Who was it that appointed Commissioners to take charge of the poor-laws? Who was it that proposed to take from the local Magistracy the whole of the turnpike trusts, by the very Bill now passing through the House, and to vest the trusts in Commissioners appointed by the Crown? For the Noble Lord who has swallowed the windmill of the poor-laws, and is about to swallow the windmill of the turnpike trusts, to be choked by a pound of this fresh Irish butter,—for him, after consolidating turnpike trusts under the superintendence of a Commission—to be horrified at a Commission for administering the management of tolls—is indeed straining at a gnat and swallowing a camel. But it has been said, that it would be an insult to the people of Ireland not to give them corporate power. Why, Sir, is there any man among us who, on going home to-night, would feel conscious of civil or political degradation and inferiority, because he is living in the borough of Marylebone, or the city of Westminster, and cannot be saluted to-morrow morning by the sight of the Lord Mayor and town-council? The hon. and learned Member for Cashel has gone so far as to argue that the government by municipal bodies is a natural right. If he had applied his argument to trial by jury, or any other of the great palladia of British liberty, there might be some foundation for it; but can he say that it is a natural right for communities to have municipal bodies,—from which the people of Westminster, and Marylebone, and Birmingham, are at this moment excluded? If it be a natural right, it is a right which every great town in the empire which has hitherto flourished without Corporations ought to enjoy. The Crown has the power to grant charters; and yet since the English Municipal Bill, giving that power, has been passed, it has not been in any single instance exercised. Have these towns been wise enough to wait and see the result of the experiment of the new Corporations? Has the Crown been wise enough to do so? If we have so acted in England, why do we rush with such precipitation to establish Corporations in Ireland? If England can wait, why is it an insult and "degradation" to Ireland to ask her to wait also? The object of this Bill is stated to be "the good regulation and quiet government of these towns in Ireland." Do you believe that, in the present state of that country, to have annual elections of town-councillors precisely on the same principle that political elections are conducted, will produce the "good regulation and quiet government" of those towns? The struggle of political parties will be constantly kept up; and the corporate bodies will be so constituted as to be capable of being influenced by individuals representing their sentiments, and of being perverted to party purposes, whenever occasion may arise for those individuals to exert the influence so acquired for the promotion of their own objects. Is this mere conjecture? Why, this day's post brings an account of the institution of a club in Dublin, established for the express purpose of controlling the new system of municipal government which is about to be introduced. This is a specimen of the probable working of that system, to the control of which Protestant property and Protestant privileges are about to be consigned. Truly, indeed, has it been said that "coming events cast their shadows before them,"—and it is a shadow under the chilling influence of which impartial justice, and the enjoyment of civil rights, must wither from the land. I hold in my hand the evidence I speak of, to the effect already produced by the anticipation of the introduction of this Bill into Ireland. It is an account of the establishment of what has been termed—"The Central Independent Club of the City of Dublin," which originated in a meeting held in the Royal Exchange, Dublin, on the 13th of February, 1836. The object of the club is explained in a circular which I hold in my hand, and which says that its institution is imperatively demanded by the efforts which the old corporators are making to perpetuate their rule. ["*Hear, hear*"]—Well, if that cheer from the hon. Members is called for by "the efforts of the old corporators," strip "the old Corporations" of their authority. When hon. Members opposite give such unequivocal proof of their apprehensions of the danger that may arise from the continued existence of the old corporators, the cheer by which they express it is but a noisy argument in favour of the proposition of my noble Friend. That cheer is an admission of the inconvenience that must inevitably arise from these Corporations becoming the arena for those contentions of faction, in which the dispute will be for victory at the sacrifice of justice. That cheer establishes that fact: and I can assure hon. Gentlemen that the only way to prevent such a result, is to extinguish Corporations, and intrust to the Lord-Lieutenant those powers which are necessary to secure the impartial administration of justice. I shall again refer to the circular from Dublin, to which I have just adverted. It goes on to say, that to the want of organization may be attributed the fact of their not having already obtained the advantages of corporate reform. A house has been taken where offices shall be established, and a legal staff stationed, to afford every facility to the citizens to obtain the municipal franchise, the very moment the Bill of the

Attorney-General shall become the law of the land. By this means it is foretold, by the same authority, that the club will be able to secure "all offices of dignity and influence." So then it appears that the new offices about to be created are to be subjected not to the choice of the citizens but to the dictation of this club! It appears, further, that this club is to be guided by certain rules. The seventh rule directs the collection of subscriptions (not the least important function of such a body). The fifth rule directs the formation of sub-committees and parochial clubs; the sixth relates to the receiving of notices. The thirteenth general rule is, that two gentlemen from each parish shall be elected by ballot, and that those so elected shall constitute a general committee. So that the prospect of "quiet government" held out under the Bill is the succession of these annual parish elections. Do his Majesty's Ministers mean to tell me, in the face of this intimation of the manner in which the municipal body is to be appointed, that the effect (though it may be the object) of their Bill, will be to provide for the good and quiet government of the enfranchised town? I insist upon it that the establishment of this club dominion, under the delusive pretext of applying analogous institutions to the two countries, will subject Ireland to innumerable evils; to the operation of the most pernicious species of exclusive influence; to an undue and partial administration of justice, which is the principal alleged grievance under the old system. I am ready to contend with his Majesty's Ministers for the administration of equal and impartial justice. I am most ready to admit that I do not believe that Ireland can be safely governed on any other principle. But while I admit this, I shall repeat, that it is of far more importance that the really equal and impartial administration of justice should be established in that country, than that the shadow should be introduced without the substance, in a plausible attempt to imitate the example of English institutions. Allusions have been made to my former conduct, and we have been told if we do not grant this measure we should go back and repeal the Act of Catholic Emancipation. I do not see that connexion. I am very far from regretting the course which I have taken in assisting to effect the removal of Catholic disabilities. Notwithstanding the experience I have since acquired, and the disappointment I have since sustained, yet I am still of opinion that in 1829 the time had arrived when it was no longer safe to withhold the claims of his Majesty's Catholic subjects in Ireland. I stated at that time, that though by no means so sanguine as many others were of the effect that would be produced by the Emancipation Bill, yet, considering all the circumstances by which the question was then surrounded, the close divisions in the House of Commons, the growing feeling amongst the people of England in favour of Emancipation, and the divisions in the opinions of those in Ireland who had been opposed to it,—considering all these things, I felt it my duty to recommend the complete removal of the Roman Catholic disabilities. The course I am now adopting in recommending the abolition of the Corporations is quite consistent with the principle upon which I then acted. Its effect will be, to remove a great source of exclusiveness, which all agree in regarding as highly prejudicial to the interests and the happiness of Ireland. As the Roman Catholics then complained of exclusion from offices, so, I contend, will the Protestants complain of their exclusion from what they are entitled to—not from their numbers, but from their wealth, their influence, and their intelligence. As in the case of Emancipation, my willingness was publicly avowed to encounter any risk that might be incurred, rather than perpetuate the danger I saw existing,—by longer withholding the claims of the Catholics, so at present, when the question is not one of civil equality, but one which involves the predominance of one sect over another—I am quite ready, in accordance with the same principle, to come forward and resist any measure, however plausible, which is likely to diminish the security of the Protestant Establishment, and exclude Protestants from the Corporations altogether. I know not whether the Protestant mind of this country will be satisfied with a measure for the abolition of the Corporations of Ireland; but this I know, and supported by the conscientiousness of the motives by which I am actuated, I say it fearlessly,—that the measure which I advocate is conformable to justice and reason, and calculated to promote good and quiet government, to soften down religious acerbity, and to secure an impartial administration of the laws. Rather, therefore, than consent to a measure of an opposite tendency, which would introduce those corporate institutions into towns—where they must give rise to partiality and exclusiveness, weaken the just and salutary effect of the civil power, and form so many *nuclei* of assemblies more dangerous than themselves,—I shall prefer the lesser evil, and incur the lesser hazard, of rejecting it altogether.

The House divided on the Amendment of Lord Francis Egerton—Ayes 243; Noes 307—Majority 64.

The House went into Committee *pro forma*, and resumed. The Committee to sit again.

List of the AYES.

Agnew, Sir A., Bart.
Alsager, Captain
Arbuthnott, Gen. H.
Archdall, Mervyn
Ashley, Lord
Attwood, Matthias
Bagot, Hon. William
Bailey, Joseph
Baillie, H.
Balfour, Thomas
Barclay, Charles
Baring, Henry B.
Baring, Francis
Baring, Wm. B.
Baring, Thomas
Barneby, John
Becket, Rt. Hn. Sir J.
Bell, Matthew
Bentinck, Lord G.
Beresford, Sir J. P., Bt.
Bethell, Richard
Blackburne, J. J.
Blackstone, W. S.
Boldero, Captain
Bolling, William
Bonham, Francis R.
Borthwick, Peter
Bradshaw, James
Bramston, Thos. W.
Brownrigg, John S.
Bruce, Lord Ernest
Bruce, Charles L. C.
Brudenell, Lord
Bruen, Colonel
Bruen, Francis
Buller, Sir John, Bt.
Burrell, Sir C., Bt.
Calcraft, John Hales
Canning, Rt. Hn. Sir S.
Castlereagh, Visct.
Chandos, Marq. of
Chaplin, Col. T.
Chapman, Aaron
Chichester, Arthur
Chisholm, Alex. W.
Clive, Hon. Robt. H.
Codrington, Chris. W.
Cole, Hon. Arthur
Compton, Henry C.
Conolly, Colonel
Cooper, Hon. A.
Corbett, T.
Corry, Rt. Hon. H.
Crewe, Sir Geo., Bt.
Cripps, Joseph
Dalbiac, Sir Chas.
Damer, Hon. G. D.
Darlington, Earl of
Dick, Quintin
Dottin, Abel R.
Dowdeswell, William
Duffield, Thomas
Dugdale, William S.
Dunbar, George
Duncombe, Hon. W.
Duncombe, Hon. A.
East, James B.
Eastnor, Viscount
Eaton, Richard J.
Egerton, William T.
Egerton, Sir P., Bart.
Egerton, Lord F.
Elley, Sir John
Elves, John Payne
Estcourt, Thos. G. B.
Estcourt, Thos. S. B.
Fancourt, Major
Fector, John M.
Ferguson, Capt. G.
Feilden, W.
Finch, George
Fleming, John
Foley, Edward T.
Forbes, William
Forester, Hon. C.
Freshfield, Jas. W.
Gaskell, J. Milnes
Geary, Sir Wm., Bt.
Gladstone, Thomas
Gladstone, Wm. E.
Glynne, Sir Steph., Bt.
Goodricke, Sir F., Bt.
Gordon, Hon. Capt.
Gore, Wm. Ormsby
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grant, Hon. Colonel
Greene, Thomas G.
Greisley, Sir R. Bart.
Greville, Hon. Sir C.
Grimston, Viscount
Grimston, Hon. E.
Hale, Robert B.
Halford, Henry
Halse, James
Hanmer, Sir J., Bart.
Harcourt, George V.
Hardinge, Sir H.
Hardy, J.
Hawkes, Thomas
Hay, Sir John, Bart.
Henniker, Lord
Herries, Rt. Hon. J. C.
Hill, Lord Arthur
Hill, Sir Row., Bt.
Hogg, James W.
Hope, Hon. James
Hope, Henry Thomas
Hotham, Lord
Houldsworth, Thos.
Hoy, James B.
Hughes, W. Hughes
Inglis, Sir R. H., Bt.
Irton, Samuel
Jackson, Joseph D.
Jermyn, Earl
Johnson, John J. H.
Jones, Captain
Jones, Wilson
Kearsley, John H.
Kerrison, Sir E., Bt.
Knatchbull, Sir E., Bt.
Knight, H. Gally
Knightly, Sir C., Bt.
Law, Hon. C. E.
Lawson, Andrew
Lees, John Fred.
Lefroy, Anthony
Lefroy, Rt. Hon. T.
Lewis, David
Lewis, Wyndham
Lincoln, Earl of
Longfield, J.
Lopes, Sir Ralph, Bt.
Lowther, H.
Lowther, Viscount
Lowther, J.
Lucas, Edward
Lygon, Hon. Col. H.
Mackinnon, T.
Maclean, Donald
Mahon, Viscount
Manners, Lord C.
Marsland, Thomas
Maunsell, Thomas P.
Maxwell, Henry
Meynell, Captain
Miles, William
Miles, Philip J.
Miller, W. H.
Mordaunt, Sir J. Bt.
Morgan, C.
Neeld, Joseph
Neeld, John
Nicholl, J.
Noel, Sir G.
Norreys, Lord
O'Neill, Hon. Gen.
Ossulston, Lord
Owen, Hugh O.
Packe, C. W.
Palmer, Robert
Parker, Montague E.
Patten, John Wilson
Peel, Rt. Hon. Sir R.
Peel, J.
Peel, Edmund
Peel, Rt. Hon. Wm. Y.
Pemberton, Thomas
Perceval, Lieut. Col.
Pigot, Robert
Plumptre, John P.
Plunkett, Hon. R.
Polhill, Captain
Pollen, Sir J., Bart.
Pollington, Viscount
Pollock, Sir F.
Powel, Col. W. E.
Praed, James B.
Praed, Winthrop M.
Price, S. Grove
Price, Richard
Pringle, Alexander
Pusey, Philip
Rae, Sir W.
Reid, Sir J. R., Bart.
Richards, John
Rickford, William
Ridley, Sir M. W.
Ross, Charles
Rushbrook, Lt.-Col.
Russell, Charles
Sanderson, Richard
Sandon, Viscount
Scarlett, Hon. Robt.
Shaw, Rt. Hon. F.
Sheppard, Thomas
Sibthorp, Colonel
Sinclair, Sir G. Bart.
Smith, Abel
Smyth, Sir H., Bart.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Stanley, Edward
Stormont, Viscount
Sturt, Henry C. S.
Tennent, James E.
Thomas, Colonel
Thompson, Wm.
Tollemache, Hn. G. G.
Trench, Sir Fred.
Trevor, Hon. A.
Trevor, Hon. G. R.
Twiss, Horace
Tyrell, Sir J. T., Bt.

Vere, Sir C. B.
Vernon, G. H.
Vesey, Hon. Thomas
Vivian, J. E.
Wall, Charles Baring
Walpole, Lord
Walter, John
Weyland, Major
Whitmore, T. C.
Williams, R.
Williams, T.
Wodehouse, E.
Wyndham, W.
Wynn, Sir W., Bart.
Yorke, E. T.
Young, J.
Young, Sir W., Bart.

TELLERS.

Clerk, Sir G.
Fremantle, Sir T.

List of the NOES.

Acheson, Lord
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P,
Alston, Rowland
Andover, Lord
Angerstein, J.
Anson, Sir G.
Anson, G.
Ashley, Sir J.
Attwood, Thomas
Bagshaw, John
Bainbridge, E.
Baines, Edward
Baldwin, Dr.
Ball, N.
Bannerman, A.
Barclay, D.
Baring, Francis
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Bellew, Sir P.
Berkeley, Hon. F.
Berkeley, Hon. C.
Bernal, Ralph
Bewes, T.
Biddulph, R.
Bish, Thomas
Blake, M.
Blamire, W.
Blunt, Sir C.
Bodkin, J.
Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brady, Denis
Bridgeman, H.
Brocklehurst, John
Brodie, William
Brotherton, Joseph
Browne, Rt. Hon. D.
Buckingham, Jas. S.
Buller, C.
Buller, E.
Bulwer, E.
Burton, H.
Butler, Colonel
Buxton, T. F.
Byng, Hon. G. S.
Byng, George
Callaghan, D.
Campbell, Sir John
Campbell, W.
Cave, Otway R.
Cavendish, Hon. C.
Cavendish, Hon. G.
Cayley, E. S.
Chalmers, P.
Chetwynd, Captain
Chichester, John B.
Childers, —
Churchill, Lord
Clay, William
Clayton, Sir William
Clive, E. B.
Cockerell, Sir C.
Codrington, Sir E.
Colburn, N. R.
Collier, J,
Conyngham, Lord A.
Cowper, Hon. W.
Crawford, William S.
Crawford, William
Crawley, Samuel
Crompton, S.
Curteis, H.
Curteis, Major
Dalmeny, Lord
Dennison, W.
Dennison, John E.
D'Eyncourt, C. T.
Dillwyn, L. W.
Divett, Edward
Donkin, Sir R.
Duncombe, T. S.
Dundas, John
Dundas, T.
Dundas, D.
Dunlop, C.
Ebrington, Lord
Ellice, Rt. Hon. Edw.
Elphinstone, Howard
Etwall, R.
Euston, Earl of
Evans, George
Ewart, William
Fazakerley, John
Fellowes, Hon. N.
Fergus, John
Ferguson, Sir R.
Ferguson, Robert
Fergusson, C.
Fielden, John
Finn, W. F.
Fitzgibbon, Hon. B.
Fitzroy, Lord C.
Fitzsimon, R. C,
Folkes, Sir William
Fort, John
French, F.
Gaskell, Daniel
Gillon, W. D.
Gisborne, T.
Gordon, Robert
Goring, H.
Grattan, J.
Grattan, H.
Grey, Sir George
Grosvenor, Lord R.
Grote, G.
Guest, Josiah
Gully, J.
Hall, B.
Hallyburton, Hon. D.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hay, Sir Andrew L.
Heathcote, John
Hector, C.
Heneage, Edward
Hindley, C.
Hobhouse, Sir J.
Hodges, T.
Hodges, T. L.
Holland, Edward
Horsman, E.
Hoskins, K.
Howard, Ralph
Howard, Hon. E.
Howard, P.
Howick, Viscount
Hume, Joseph
Humphery, J.
Hurst, R.
Hutt, W.
Jephson, C. D.
Johnstone, Andrew
Kemp, T. R.
King, Edward B.
Labouchere, H.
Lambton, Hedworth
Langton, W. G.
Leader, J. T.
Lefevre, S.
Lemon, Sir C.
Lennard, T. B.
Lister, E. C.
Loch, James
Long, Walter
Lushington, Dr.
Lushington, Charles
Lynch, Andrew
Mackenzie, J. S.
M'Leod, R.
Macnamara, Major
M'Taggart, John
Maher, John
Mangles, James
Marjoribanks, S.
Marshall, William
Marsland, H.
Martin, J.
Martin, T. B.
Maule, Hon. F.
Methuen, P.
Molesworth, Sir W.
Moreton, Hon. A.
Morpeth Viscount
Morrison, James
Mostyn, Hon. E.
Mullins, F. W.
Murray, John A.
Musgrave, Sir R.
North, Frederick
O'Brien, W. S.
O'Connell, D.
O'Connell, Morgan J.
O'Connell, Maurice
O'Connell, Morgan
O'Connell, John
O'Connor, Don
O'Ferrall, R. M.
Oliphant, L.
O'Loghlin, M.
Ord, W. H.
Ord, W.
Oswald, James
Paget, Frederick
Palmer, General
Palmerston, Viscount
Parnell, Rt. Hn. Sir H.
Parrott, Jasper
Parry, L. P. J.
Pattison, J.
Pease, Joseph
Pechell, Capt. R.
Pelham, Hon. C.
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Phillipps, C. M.
Potter, R.
Poulter, J. S.
Poyntz, W. S.
Price, Sir J.
Pryme, George
Pryce, Pryce
Ramsbottom, J.
Rice, Rt. Hon. T. S.
Rippon, C.
Robarts, A. W.
Robinson, G. R.
Roche, W.
Roebuck, J. A.
Rolfe, Sir R. M.
Rooper, J. B.
Rundle, John
Russell, Lord
Russell, Lord John
Russell, Lord C.
Ruthven, Edward S.
Ruthven, E.
Sanford, E. A.
Scholefield, J.
Scott, Sir E. D.
Scourfield, W. H.
Scrope, G. P.
Seymour, Lord

Sharpe, Gen.
Sheldon, R.
Sheil, R. L.
Simeon, Sir R.
Smith, Benjamin
Smith, J. A.
Smith, Vernon
Smith, Hon. R.
Stanley, H.
Steuart, R.
Stewart, Sir M.
Stewart, P. M.
Strickland, Sir George
Strutt, Edward
Stuart, Lord D.
Stuart, Lord James
Stuart, V.
Surrey, Earl of
Talbot, J. H.
Tancred, H.
Thomson, Rt. Hon. C. P.
Thompson, B.
Thornely, Thomas
Tooke, William
Townley, R. G.
Trelawney, Sir W.
Troubridge, Sir Thos.
Tulk, C. A.
Turner, W.
Tynte, C. J. K.
Verney, Sir H.
Villiers, C. P.
Vivian, Major
Vivian, John H.
Wakley, Thomas
Walker, C.
Walker, R.
Wallace, Robert
Warburton, H.
Ward, H. G.
Wason, R.
Wemyss, Captain J.
Westenra, Hon. Col.
Whalley, Sir Samuel
White, Samuel
Wigney, Isaac
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, John
Williams, William
Williams, Sir James
Williams, W. A.
Williamson, Sir H.
Wilson, H.
Winnington, Sir T.
Winnington, Captain
Wood, Matthew
Woulfe, Sergeant
Wrottesley, Sir John
Wyse, Thomas
Young, G. F.

TELLERS.

E. J. Stanley
C. Wood

(*Not Official.*)

PAIRED OFF FOR THE INSTRUCTION.

Alford, Lord
Campbell, Sir H.
Cartwright, W. R.
Charlton, E. L.
Clive, Viscount
Cole, Lord
Cooper, E. J.
Coote, Sir C.
Follett, Sir W. W.
Goulburn, Mr. Serg.
Hamilton, Lord C.
Hayes, Sir E.
Lushington, S. R.
Mandeville, Viscount
Owen, Sir J.
Ryle, J.
Scott, Lord John
Smith, T. A.
Townshend, Lord J.
Verner, W.
Wilbraham, R. B.
Wilmot, Sir E.
Wood, Colonel T.
Wortley, J. S.
Wynn, Sir W. W.

AGAINST.

Barham, J.
Beaumont, T. W.
Benett, John
Berkeley, Hon. G. C.
Chapman, M. L.
Clements, Lord
Edwards, Colonel
Fitzsimon, N.
Grey, Colonel
Heron, Sir R.
Kerry, Earl of
Moseley, Sir O.
Nagle, Sir R.
Parker, J.
Pinney, W.
Ponsonby, Hon. W.
Power, James
Roche, D.
Scott, J. W.
Seale, Colonel
Speirs, Captain
Sullivan, R.
Wemyss, Capt.
Wrightson, W. B.
Talfourd, T. Noon

ABSENT—SUPPOSED TO BE FAVOURABLE TO THE INSTRUCTION.

*Bateson, Sir R.
Copeland, W
*Dare, R. W. H.
*Davenport, J.
Entwistle, John
Ferguson, Sir R.
Fleetwood, H.
*Forbes, Lord
Forster, C.
*Hanmer, H.
Heathcote, G. J.
*Herbert, Hon. S.
Ingham, Robert
Johnstone, Sir J. V.
Kavanagh, T.
Kerr, D.
Kirt, P.
Mathew, Captain
Pelham, John C.
*Penruddock, J. H.
Spry, S. T.
Stewart, John
Tapps, G. W.
Vaughan, S. R.
Vyvyan, Sir R.
Welby, G. E.

SUPPOSED TO BE AGAINST THE INSTRUCTION.

Belfast, Earl of
Bentinck, Lord W.
Blackburne, J.
Bulkeley, Sir R. W.
Bulwer, H. L.
Burdett, Sir F.
Burdon, W. W.
*Carter, J. B.
Cookes, T. H.
Dennistoun, Alex.
Dobbin, Leonard
Evans, G.
Heathcote, Sir G. J.
Jervis, J.
Knox, Hon. J.
Lee, J. L.
Lennox, Lord G.
Lennox, Lord A.
Maxwell, J.
O'Brien, C.
Ponsonby, J. G. B.
*Ramsden, J. C.
Talbot, C. R. M.
*Tracey, C. H.
Tynte, C. J. K.

HOUSE OF LORDS,

Thursday, March 10, 1835.

MINUTES.] Petitions presented. By Lord SEGRAVE, from Stroud, for Relief to the Dissenters.—By Lord LYNDHURST, from the Debtors Confined in the Prisons of London and Middlesex, against Imprisonment for Debt.—By the Earl of RODEN, from St. Clement's Danes, for the Better Observance of the Sabbath.—By Lords LYNDHURST and WYNFORD, from two Places,—for Relief to the Agricultural Interest.—By Lord HOLLAND, from two Dissenting Congregations, for Relief to the Dissenters.—By the Duke of RUTLAND, from Castle Dermot, against Tithes in Ireland.—By the Duke of LEINSTER, from a Parish in Dublin, for granting Municipal Reform to Ireland.—By Lord DACRE, from Hitchin, for Rating Cottages for the Relief of the Poor.—By the Earls of RIPON and WINCHILSEA, Lord LYNDHURST, and the Bishops of GLOUCESTER, EXETER, and LINCOLN, from a Number of Places—for Alterations in the Ecclesiastical Courts' Bill.

CHURCH REFORM.—REPORT OF THE COMMISSIONERS.] Viscount *Melbourne* had it in command from his Majesty to lay upon their Lordships' Table the Second Report from his Majesty's Commissioners appointed to consider the state of the Established Church in England and Wales with reference to Ecclesiastical Duties and Revenues. In performing this duty it gave him great satisfaction to have to state that this Report had been unanimously agreed to—that it bore the signature of all the Commissioners named in the Commission—and that in the long discussions which the variety and magnitude of the subjects of which it treated necessarily demanded, he believed he should be correct in saying there prevailed no real difference or discrepancy of opinion upon that Commission. Considering the magnitude of this subject, considering its great importance, and considering the great public interest which it naturally excited, it might not be improper for him to open to their Lordships the recommendations which the Commissioners had agreed to make. He should probably do it in a manner extremely imperfect, but, at the same time, he had the satisfaction of knowing that he spoke in the presence of those who were more conversant both with the principle and the details involved in the Report than he could possibly be, and who would, therefore, be able to supply any omission or deficiency that might be found in the very brief statement he should make. Their Lordships were aware that this was the Second Report presented to their Lordships upon this subject. The first Report emanated from the Commission which was appointed under the late Administration. The Commission related to a variety of subjects, which were comprised under three heads;—Territory, Church Revenue, and Church Patronage. None of the recommendations contained in this Report related to patronage. Ecclesiastical Patronage, and patronage in general, was a question of great intricacy and difficulty, which the Commissioners had distinctly reserved for the subject of another Report. With respect to territory, their Lordships were aware that the last Report recommended a new arrangement of the dioceses in England and Wales, which, without making too great and sweeping an alteration, or an entirely new division of the country, appeared to the Commissioners at least well calculated to remedy the great inequality which at present prevailed, and which imposed upon some prelates an extent of territory, and, consequently, an extent of duty, which it was hardly possible for human strength and human intellect to perform, while other prelates were restricted within much smaller proportions, having a smaller population, and comparatively a much narrower circle to operate in. In the recommendations of the former Report, with respect to this subject, the present Report entirely concurred, and, in fact, suggested but one very material alteration, and that was with respect to the dioceses of Bristol and Llandaff, an union of which dioceses was recommended in the former Report. But there were objections to that union, which appeared to the present Commissioners so strong, that they had recommended an alteration in respect to that part of the Report. They proposed that the city and suburbs of Bristol should be united with the diocese of Bath and Wells, and that the remaining part of the diocese, which was in the county of Gloucester, should be added to the diocese of Gloucester, thus merging the diocese of Bristol in the two neighbouring dioceses. That arrangement would make some alteration necessary with respect to those parts of the diocese of St. David's, which were in the counties of Glamorgan, Monmouth, and Brecon, but to these particulars he need not then call their Lordships' attention. There was also a recommendation, that the Bishopric of Sodor and Man might, without inconvenience, be united to the Bishopric of Carlisle. The Commissioners next came to the head of revenue of the different sees. The course of proceeding had been to recommend such reductions as appeared proper, from the incomes of the larger and more opulent sees, for the purpose of forming a fund, out of which the revenue of those bishoprics, which were less amply provided for, might be increased. But this was done, not with a view of introducing a system of perfect equality among the Bishops of the Church—a system which, in his opinion, was most contrary to the best interests and integrity of the Church, inconsistent with the form of government under which we lived, and to the state of society in which we were placed—but for the purpose of reducing that which appeared to be a gross inequality in the revenue of the different branches of the establishment, with a view, on the one hand, that no income should be liable to the imputation of being overgrown and enormous, nor, on the other hand, be subjected to the charge of penury, and restricted in its pecuniary resources—a situation in which it was perfectly well known many Prelates were now placed. The present estimated annual value of the Archiepiscopal See of Canterbury was 17,000*l.*, which it was proposed should be reduced to 15,000*l.* The revenue of the Bishop of London was estimated at 12,200*l.*, which was proposed to be reduced to 10,000*l.* The revenue of the Bishop of Durham was 17,800*l.*, which the Commissioners proposed to set at 8,000*l*. The revenue of the Bishop of Winchester was 10,700*l*., which was proposed to be reduced to 7,200*l*. The revenue of the Bishop of Ely was 11,500., which it was proposed should hereafter be set at 5,500*l*. The revenue of the Bishop of Worcester was 6,500*l*., to be reduced to 5,000*l*. The revenue of the Bishop of St. Asaph was 5,200*l*., and the revenue of the Bishop of Bangor 3,800*l*., each of which were to be set at 5,200. The reduction proposed would give a surplus fund of 28,500*l*. a-year. To which, if there be added the revenue of the see of Bristol, amounting to 2,300*l*., which, as he had said, was to be merged in the adjoining Bishoprics—the total sum thus saved, would be 30,800*l*.; which being divided among the thirteen Bishoprics, which require additions to their present revenue, and the two new Sees which were recommended by the former Report to be instituted, would provide an income varying from 4,000*l*. to 5,000*l*. per annum, to be appropriated according to the circumstances of the different Dioceses. The apportionment had not yet been settled. With respect to the Sees of York, Bath and Wells, Norwich, and Salisbury, it was not proposed to make any alteration in them. Their Lordships would see, that a greater defalcation of Revenue was made from the Bishopric of Durham than from any other; and the reason of that was, the recommendation of the Commissioners —a recommendation from which he thought their Lordships could not dissent —that the temporal and secular jurisdiction hitherto vested in the Bishop of Durham, should be hereafter separated from his ecclesiastical functions. With those civil and secular functions would necessarily go a great portion of the expense hitherto attending that Bishopric—such, for instance, as the reception of the Judges, and others of a similar nature. It was also the recommendation of the Commissioners, that the Bishop of Durham should hereafter be relieved from the necessity of maintaining the Castle of Durham, and that he should only have a residence at Bishop Auckland, and the Castle of Durham should be appropriated to the use of the University that had lately been established in that part of the country. The same arrangement with respect to the separation of the Civil Offices from the Ecclesiastical Functions, as had been recommended with regard to the Bishopric of Durham, had also been recommended with respect to the Archbishopric of York, and the Bishopric of Ely, when an opportunity should arise for carrying those arrangements into effect. Thus much for the Report with respect to Revenue. The next important subject to which the attention of the Commissioners was directed, by the terms of the Commission under which they acted, was the state of the Collegiate and Cathedral Churches in England and Wales; and looking to those great Institutions, and to the property which they possessed, it was natural for them to advert to that which their Lordships were well acquainted with —namely, the extremely reduced state of a great number of the Benefices in this country, and the extreme disproportion of the income of many of the clergy, with the station they ought to hold in the country, united with the duties they had to perform. This state of things had a most unfortunate effect upon the character of the clergy, and, consequently, on the Establishment to which they belonged. It exposed them to ridicule and contempt, and also to temptations which they otherwise would not be exposed to; not only making them less objects of respect to others, but very often, he was afraid, inducing them less to respect themselves than they should do. But he did not know that he could do better on this subject than read the paragraph of the Report relating to it, which appeared to be drawn up with great precision and clearness. "In order to give increased efficiency and usefulness to the Established Church, it is obviously necessary that we should attempt the accomplishment of two objects, which are indispensable to the complete attainment of that end. One is, to improve the condition of those benefices, the population of which is of considerable amount, but which are now so scantily endowed, as not to yield a competent maintenance for a clergyman; the other is, to add to the numbers of clergymen and churches, and so to make a more adequate provision for the religious instruction of a rapidly increased and increasing population." This was followed in the Report by many details, to show the state of the benefices, and the extreme poverty of their revenues, and, at the same time, the great and increasing amount of their population, and the extreme burden of the duties the incumbents had to perform. The Report then went on to state the circumstances of the collegiate and cathedral churches, some being on the old foundation, or those instituted before the time of Henry VIII.; and others on the new foundation, or those instituted about the time of the Reformation; and, principally, he believed, under that monarch. In the cathedrals, on the old foundation, there were minor canons, not residentiary, and who had no duties to perform, except occasionally preaching a sermon or two, when they were bound to visit the places in which they held their preferment. Those places of preferment which were not residentiary, the Commissioners recommended should be suppressed altogether, of course, after the termination of the lives of the present holders, and the proceeds of those preferments to be thrown into the fund to be formed for the purposes which he had already stated. It was proposed to abolish them, with the exception of some which were of small value, and which it might be desirable should be preserved as titles of dignity, and as a means of rewarding distinguished merit in the Church. Then, with respect both to the old and new foundations, the Commissioners recommended that, for the future, the chapters of the cathedrals and collegiate churches should consist of a Dean and four Canons, as at present, actually existing in the Cathedrals of York, Chichester, and Carlisle; that one, at least, of these Canonries, where they might be in the patronage of the Bishop, should be made available towards a better provision for the office of Archdeacon, for the purpose of rewarding an officer whose duties were most useful, necessary, and extensive, and who had hitherto been left with a very inadequate remuneration. It was also recommended that, until the existing chapter should be reduced to the proposed number, no new election or appointment should take place. It was also recommended, "That the term of residence of each Dean hereafter to be appointed should be nine months, and of each Canon three months. It was obvious that it would become necessary to make some alterations in those statutes of the respective chapters by which the turns and periods of residence were regulated." He begged to call the attention of their Lordships to a further recommendation, the object of which was to guard against even those canonries, limited as they would be in number, from being at all liable to the imputation of being sinecures, and to show that the Commissioners were of opinion that it was as advisable and as necessary to do away with them in the Church as it had been to do them away in the State. The Commissioners state, that "With respect to some of the better endowed canonries, which will remain in four or five of the cathedrals, we are of opinion that they may be advantageously connected with the parochial charge of populous districts. The method of effecting this we reserve for our future consideration; it being necessary to examine carefully the case of each cathedral, with reference to its revenues and local circumstances." Their Lordships would at once perceive that it was impossible to lay down any general rule on this subject; because every cathedral in which these endowments existed must be considered with respect to their local circumstances. Their Lordships were well aware of the course which was taken by the late Administration with respect to the prebendal stall at Westminster, and which was annexed to the populous adjoining parish of St. Margaret. There being another prebendal stall vacant in that cathedral, it was intended to connect that stall with the other populous parish in which their Lordships were then sitting—the parish of St. John. He had received his Majesty's commands to apply that stall in the way he had just mentioned, and no man in the kingdom would more gladly carry into effect than he would a recommendation of so salutary, useful, and efficient a nature. There was another recommendation of considerable importance, which he was desirous to read to their Lordships:—"As it is desirable that dignities in cathedral and collegiate churches should be bestowed upon those only whose qualifications have been proved by a certain period of service in the ministry of the Church; we further recommend that no person be hereafter capable of receiving the appointment of Dean, Archdeacon, or Canon, until he shall have been six years complete in priest's orders." He ought to state to their Lordships, that there were very many establishments under peculiar circumstances in different parts of the country, which required them to be excepted from the general rule laid down in the Report, and which would stand upon their own particular grounds.

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* Were absent from indisposition.

These exceptions their Lordships would be able to gather from the Report itself. With respect to the minor Canons, Vicars Choral, and other officers of chapters, it was proposed that only so many should be retained as were sufficient for the service of the cathedrals, and that they should have such salaries as might preclude the necessity of their being paid by patronage, many often holding benefices, together with their offices in the cathedral. It was also recommended that all sinecure rectories in the patronage of Ecclesiastical Corporations should be suppressed, and that the resources arising from them should be applied towards augmenting the existing provision for the cure of souls; due regard being had, in the first instance, to the wants of those dioceses in which the sinecure rectories were situate. It was impossible to say precisely what the amount to be obtained from these resources might be. They were not, of course, immediately available, but depended entirely upon the lives of the present holders. The amount had been calculated at not less than 130,000*l.* per annum; and though he was afraid that would not be found adequate to the great object they had in view, yet such a sum could not be considered as an utterly inconsiderable fund for that purpose. These were the recommendations with respect to the collegiate churches and cathedrals. The next subjects treated of by the Commissioners had often been debated in their Lordships' House, and upon which it would therefore be perfectly unnecessary for him to trouble their Lordships at any length. These subjects were non-residence and pluralities. The same evil which had met the Commissioners before, met them again upon this subject—the great poverty of many of the benefices in this country. This circumstance disabled the Commissioners from doing what they were inclined to do—that was, to recommend the immediate discontinuance of all pluralities. But they were of opinion that means should be taken to diminish them as much as possible. The Commissioners stated that—

"In determining the principles upon which the holding of benefices in plurality should in future be regulated, we have had respect partly to distance, and partly to value. With respect to distance, we are of opinion that if an incumbent be permitted to hold two benefices, distant from each other not more than ten miles, he will be able, without inconvenience, to exercise an occasional superintendence and control over the benefice upon which he does not reside; the regular duties of which will be performed by his curate. With respect to value, we recommend that no benefice of greater annual value than 500*l.* should be held in plurality with any other benefice, except in cases where the small value or large population of some neighbouring benefice may render it advisable that it should be held by the incumbent of a better endowed living. In such cases we recommend that, upon a statement made by the Bishop of the diocese to the Archbishop, and transmitted with the sanction of his approval to the Privy Council, it shall be lawful for your Majesty in Council to allow such plurality. We recommend that no more than two preferments of any description be held by the same person, except in the case of an Archdeacon, who may be permitted to hold one benefice with cure of souls, and one canonry." We are of opinion that the operation of a law embodying these provisions will, at no very distant period, have so far reduced the number of pluralities, as to leave no just ground of complaint on that score."

With respect to non-residence, the Commissioners did not mean to depart from the principle of law as it at present stood; but they did propose to make further provision for the enforcement of residence, by diminishing the number of exemptions, and the grounds of licence of non-residence, which the law now allowed, by limiting the period of legal absence in certain cases; and by giving additional powers to the Bishops with respect to the appointment and payment of curates, and the repairs and erection of glebe-houses. A Bill had been prepared for carrying into effect the suggestions of the Commissioners, and would be speedily submitted to their Lordships for their consideration, and he trusted their adoption. In laying this Report on the Table of their Lordships' House, he begged leave to declare his entire approval of all its suggestions, and he should lay it before their Lordships as recommending a measure at once temperate and efficacious, as being at once reforming and conservative, calculated to preserve the character and efficiency of the Church, while, at the same time, it would remove any stumbling blocks in the way of its success, by avoiding those matters which might have rendered it an object of attack. He recommended it, therefore, to their Lordships, as being calculated to increase the efficiency of the Church for those holy purposes for which it was established. He begged, in conclusion to lay the Report on the Table.

The Archbishop of *Canterbury* expressed his gratification at hearing the speech of the noble Viscount at the head of his Majesty's Government, in which the noble Viscount had expressed his approbation of the Report, and his determination to carry it into effect. While the Government undertook such a measure as this, which he believed would be in its result highly beneficial to the Church, he felt assured of its success, but without that support it would be impossible to legislate with effect. He had long been aware of the necessity of taking some strong and vigorous measure for the correction of the abuses that had crept into the Church, and for the removal of those anomalies which for a long period had lessened its efficiency. The moment he was placed in the responsible situation, however unworthily so, which he now held, he turned his attention to this point, and being fully aware that nothing conld be done without the concurrence of Government, the first step he took was to confer with the noble Duke at that time at the head of his Majesty's Government upon this subject. That noble Duke expressed his satisfaction at the communication; he was anxious that some measures should be taken, and expressed his readiness to concur in whatever the heads of the Church should think proper to recommend. In consequence of this declaration on the part of the noble Duke, and after much consultation with the Bishops, he had a Bill in a state of great preparation at the time that noble Duke ceased to be Minister, which circumstance put a stop to the proceedings. As soon as his successor, Earl Grey, became his Majesty's Minister, he took the same steps, and applied to that noble Earl with the same view, and he met with the same reception. His Lordship declared his conviction of the necessity of taking some efficient measure with respect to the Church, and his readiness to concur in such measure. They had very long and confidential communications upon the subject, and the noble Earl did him the justice to say, when unjustly accused in that House of being an enemy to reform, that he had had communications with him, and was perfectly satisfied with the general views he (the Archbishop of Canterbury) took upon the question. But from the beginning of his Lordship's Administration, it was well known that there were political questions which occasioned great excitement in the country. While that excitement prevailed, and while those questions excited particular hostility against the Church, he did not think himself authorised to propose to the noble Earl any comprehensive measure upon ecclesiastical affairs; and his reason was, that he believed such was the noble Earl's judgment that if he had done so the noble Lord would have said, "This is not the time; we must wait for quieter times, and not take the affairs of the Church before Parliament at a period when the public mind is so strongly excited against the Establishment." This would have been the reasoning of the noble Earl. It was, indeed, a subject that required, above all others, the most dispassionate and careful consideration. The noble Viscount had alluded to the Commission appointed by the right hon. Baronet who had been for a short time at the head of the Government, and he must observe that that right hon. Gentleman at once saw the necessity of proceeding to take into consideration the affairs of the Church, and communicated with him almost immediately he came into office upon the subject. The result of the conference with that right hon. Gentleman was the issuing of the Commission, from which a second Report had this evening been laid on the table. When the right hon. Baronet retired from office the proceedings of the Commissioners were for some time suspended, but as soon as the noble Viscount had settled the affairs of his new Administration he did him the honour to consult with him, the noble Viscount declaring his readiness to continue the Commission with only such change as was rendered necessary by appointing an additional number of persons on the Commission. The noble Viscount also professed his desire that the Commissioners should proceed on the same views and principles on which they had been originally formed. They had continued to receive the same assistance from his Majesty's Ministers since the new Members, who from the high offices they held were necessarily joined in the commission, as they formerly received from preceding Governments. The Commissioners had frequently been honoured by the attendance of the noble Viscount; and others of his Majesty's Ministers also attended whenever occasion required; and gave all the assistance in their power. He was happy to concur in the statement of the noble Viscount, that unanimity prevailed in their proceedings; and that whenever there was any difference of opinion on any material point, it was settled not by a reluctant or unwilling compromise or concession on either side, but after a full consideration of the facts, and discussion of the reasons upon which the matter turned. He did not believe, that there ever was a Commission of so many persons, having questions of so much importance to consider, among whom so little difference of opinion prevailed. In fact, he might declare, that the Report was the result of complete unanimity. He must, however, do himself the justice to state, that had he not been assured that this Commission was what the noble Viscount had declared it to be—formed on Conservative principles, he never would have been a member of it. When he said Conservative principles, he meant, that had it involved the dissolution of our ecclesiastical Establishment, he should instantly have thought it his duty to retire from it. The condition on which he consented to remain a member was, that it should preserve the episcopal establishment of the Church in its integrity. Had it been proposed to have a smaller number of Bishops than were necessary for the efficient discharge of the episcopal functions, he should never have given his consent to the Report. But concurring in many of the objections that were made by persons who were the real friends of the Church against Bishops holding livings *in commendam*, and seeing, at the same time, the necessity of improving the incomes of the poorer Bishops, he could find no other means of effecting the purpose, than by adopting the plan of taking from the larger sees some portion of those revenues which in latter times had greatly increased, and transferring it to the smaller. By the proposed diminution in the extent of the territories of the greater Bishoprics, an advantage would be gained which would entirely overbalance the inconveniences that, in a certain degree, might result from the alteration. With respect to cathedral and collegiate chapters, it was his opinion that those great establishments should be continued, for the maintenance of Divine service, commensurate in some degree to the grandeur and magnitude of the building. The appointments in the cathedrals were most useful to the Church, as they presented the means of rewarding clergymen of distinguished merit. On these and other accounts they ought to be liberally supported; but, after this was duly provided for, they still might afford a very considerable surplus for the use of populous parishes, more especially in the metropolis, and in the northern and midland counties, where the population had greatly increased, and where, from the want of sufficient spiritual assistance, the efficiency of the Church of England had been very materially diminished. On the same general principle he approved of the suppression of all sinecure rectories in public patronage. The revenues of these preferments might be very advantageously applied to the remuneration of the clergymen who were engaged in performing the duties of the churches respectively belonging to them, and that which was more than sufficient for this purpose might go to the general fund. The equalization of Bishoprics has never come under the consideration of the Commissioners. Had such a measure been proposed, it would have been immediately rejected. Upon the subject of residence there could be very little difference of opinion. The true principle was, that every clergyman should reside on his benefice. It was, however, impossible to carry this principle into full effect in the present state of the Church; but as nearly as possible, the rule of placing a resident minister wherever there is a sufficient congregation ought to be adhered to. The general feeling against pluralities was founded in reason, and he admitted the necessity of some considerable restriction on the present practice. In a Bill which he introduced some time ago, he proposed that two livings should not be held by the same person if they were thirty miles asunder. That Bill did not pass; and the Commissioners had agreed to limit the holding of two livings to a less distance. In respect to this point, it was possible that they might have gone too far. He would say a few words upon the objects which the Commissioners had kept in view in all their proceedings. Their great desire had been to encourage and facilitate the diffusion and maintenance of pure religion throughout the country. He entirely disclaimed any other motive for his conduct than a sincere anxiety for the good of the Church. Neither he nor his fellow-Commissioners had been actuated by any desire of popularity. They had looked to no temporary expediency — and had neither sought to fix wavering friends, nor to conciliate implacable adversaries. He trusted that what had been done would be acceptable to the friends of the Church —that it would satisfy the enemies of the Establishment he had no hope. It was his full persuasion, however, that if the recommendations of the Commissioners were carried into execution they would prove most beneficial to the Church, and increase its strength and efficiency. A great deal had already been done towards effecting that object, and satisfying reasonable and considerate minds. It was vain to talk of security in these times; but he felt that if these recommendations were followed up, the Church Establishment would be placed in a condition to resist the attacks of its enemies. The clergy would proceed in their vocation without being annoyed by those anxieties which had, he would not say interfered with the discharge of their duties, but which undoubtedly had greatly disturbed their minds. There were some other subjects which, though not embraced in the Report, required immediate measures to be introduced and one of the most important of these was, the provision for the improvement of clerical education. He must add, that the clergy of the present day, whether in learning or in attention to their pastoral duties, had never been exceeded by those of any other age or country. But it would be impossible to say, under any circumstances, that there would not be room for improvement. It was desirable that candidates for holy orders should be well grounded in divinity before they entered the Church; and not to have to acquire a knowledge of theology afterwards. He was also of opinion that some more efficient means should exist for correcting the scandal arising from the improper conduct of some unworthy members in the ministry. It could not excite surprise that in a body consisting of about 18,000 persons, many of them young men, there should be found some whose conduct was a scandal to their profession. Some such there unfortunately were; and it was to be regretted that, in the present state of the law, the heads of the Church had not sufficient power to punish such delinquency. It was extremely desirable that some measure for this purpose should be speedily introduced. He threw out this suggestion for the consideration of their Lordships, though not directly connected with the Report now before the House. He would close his remarks with the expression of a hope that even those who might differ in some respects from the view taken by the Commissioners, and think either that they had gone too far, or had not gone far enough, would at least admit that the measures which they had proposed would be attended with advantage to the Church, by increasing its powers of usefulness, and averting the dangers which threaten its existence.

Report to be printed.

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HOUSE OF COMMONS,

Thursday, March 10, 1836.

MINUTES.] Bills. Read a second time:—On the Motion of Mr. HARDY, Bribery at Elections; Seamen's Fund.

Petitions presented. By Messrs. WILSON, JONES, and LEADER, from Bridgewater and Denbigh, in favour of Mr. BUCKINGHAM'S Claims.—By Sir EDWARD KNATCHBULL, Sir M. W. RIDLEY, Captain PECHELL, Mr. H. HUGHES, and several other HON. MEMBERS, from a Number of Places,—against the Additional Duty on Spirit Licences.

TIMBER DUTIES.—ALTERING EVIDENCE.] Mr. *George F. Young* rose to make his promised Motion upon the subject of evidence given by the hon. Member for Bridport before a Select Committee, upon the subject of the Timber Duties. He assured the House that he had never before risen in his place to address that House under circumstances of such difficulty or with greater reluctance, although, he was happy to say, that his conscience acquitted him of all personal or party motive in making this necessary allusion to an hon. Member's evidence, for whom he entertained much respect. He should obtain, he believed, credit with the hon. Member and with the House for an anxiety on his part to-night to abstain from any observation or expressions of an irritating character on this subject, although it was a matter of direct personal reference to himself. It was not necessary he should now insist upon the importance to this country, in a commercial and political point of view, of the exercise of a due vigilance over the interests of the timber trade. In pursuance of that object a Committee had been granted during the existence of a former Government, with power to examine evidence upon this subject. Constituted as that Committee was, he should have opposed it. The expectations of the well-wishers of the trade had, with him, been disappointed in the persons selected to perform the duties of the Committee so appointed. Instead of their being all persons, as they ought to be, unprejudiced and unpledged to any opinions on the subject of this trade, he must complain that there were nine Members for sea-port towns who had expressed their opinions beforehand to their constituents upon the subject of the trade, and ten Members of it, Members for inland places, similarly pledged, with one individual——

Mr. *Ewart* rose to order. The selection of such a Committee was not a proper subject for the consideration of the House upon this occasion.

The *Speaker* thought the hon. Member should proceed.

Mr. *Young* said, that he thought he was quite justified, whilst stating that an allegation of unfairness in the decision of the Committee had been publicly made, to attempt to trace its cause to the constitution of the Committee itself. Out of the thirty-two Members who were appointed on that Committee, twenty were pledged by their speeches or avowed opinions to a particular opinion, four were neutral.—He could have wished to have seen more impartiality and fairness on the part of the Committee, as far as the numerical strength of the witnesses examined on both sides of the question was concerned, for there were only twelve persons called before them to speak on behalf of the colonies, whilst no less than eighteen were allowed to give evidence on behalf of the Baltic and Norway timber trade. Many important witnesses, who attended on behalf of the colonial interests, were altogether refused attention by the Committee; and one gentleman, who had come from Ireland, and who was the deputed representative of a large body of timber-merchants in that country, was compelled to return without having undergone examination. After these witnesses had been examined, the hon. Member for Bridport rose up in the Committee and demanded to be heard by them. Now, considering that although each hon. Member who composed the Committee had a right to support the particular views and opinions which he might entertain upon this subject, yet as the hon. Member for Bridport had distinguished himself very much in advocating his own side of the question, and had taken a very active part, as well as shown very strong partialities on behalf of his own views, he had certainly felt himself called upon in fairness to oppose the admission of the hon. Member's evidence. His opposition, however, was overruled, and, in consequence, the examination of the hon. Member was proceeded with, and upon the evidence which was given by him was grounded the motion about to be submitted to the House. The inquiry itself had, as was well known, excited great interest amongst the public, and the publication of the evidence was looked forward to with equal interest on the part of the public, in order that it might be ascertained, by its examination, upon what grounds the Committee had come to their unexpected, and he might almost say, hasty resolutions.—These resolutions were reported to the House in the month of August; at the close of the Session the evidence was still unprinted. In the month of October he wrote to the right hon. Gentleman, the President of the Board of Trade, expressing the anxious desire which his constituents felt to have the evidence laid before them, and requesting to know when it might be expected to be ready. The right hon. Gentleman had very courteously replied to him, informing him that he was ignorant of the cause of the delay which had occurred, and promising to hasten the publication of the evidence as much as was in his power. In the month of December he again wrote to the right hon. Gentleman on the subject, who, in his reply, dated December 17, stated that the delay was occasioned by some intricate calculations and tables to be furnished by the hon. Member for Bridport, but that these being completed, the evidence would be published in a few days. It was not, however, completed in a short time, for it was not until the month of February, in fact, until the meeting of the House, that they got the evidence taken before that Committee, which had furnished its report to the House in the month of August. Thus the opportunity of investigating that evidence, upon which it was most probable the House would, during the present Session, proceed to deal with the timber duty question, was lost to those on the other side of the Atlantic, who were most interested in the matter, and who, being deprived of it, lost thereby the opportunity of expressing their opinions upon it. This consideration brought him at once to the case, which it was now his duty to lay before the House. On looking over the evidence printed under the name of the hon. Member for

Bridport, his mind misgave him, and he said to himself—"Surely this cannot be the evidence given by the hon. Member at the Table of the Committee." He accordingly went to the Journal-office, and procured a transcript of the short-hand writer's notes, as corrected by the hon. Member for Bridport. On examining these notes, and comparing them with the hon. Member's evidence, as printed, he found the most extraordinary discrepancies between the two; but before he took any public steps in the matter, he went to the hon. Member, and asked him if he could afford any explanation of those discrepancies. The hon. Member replied, that they were mere verbal alterations, and that he might take what steps he pleased with respect to the matter; which answer, of course, left him no alternative but that of laying the facts before the House. In a case like the present, it was difficult to define, or to draw a line of demarcation as to the extent to which witnesses ought to be restrained in correcting their evidence. He was disposed to give them a great latitude in this respect, and he should not ask the House to look narrowly at verbal alterations, or at any alterations in minor points. That such was not the case in this instance, he was prepared to prove, and he might state, that two of the witnesses who supported the views of the hon. Member for Bridport had been allowed to correct their evidence, but not to alter or add to it. Let him now proceed to show the House, whether the same observation could be applied to the evidence of the hon. Member for Bridport. If the House would examine the two documents—namely, the short-hand writer's notes, and the evidence as printed, the difference between them it would at once be seen was enormous. He had gone through the first sixty-one pages of the short-hand writer's notes, which consisted of 129 pages altogether, and he believed that these sixty-one pages might be taken as a fair average of the whole, as he did not suppose they contained more alterations than the remainder of the evidence. Well, these sixty-one pages contained 5,000 words altogether; of these 3,332 words had been struck out by the pen of the hon. Member for Bridport, leaving 1,668 words in the printed evidence as originally spoken by him before the Committee. Now, how had the hon. Member corrected his evidence? He had introduced no less than 6,940 words in lieu of the 3,332 struck out by him—making in the whole 8,608 words, of which nearly 7,000 were not uttered by him before the Committee. He submitted the fact in this form to the House, as it was the most convenient, and afforded the best opportunity for them to judge of the extent to which the hon. Member had carried his alterations; and he certainly looked upon the question to be one of very great importance to the subject of inquiry before the Committee, as it involved very serious interests; nor did he despair of showing that the alterations were of moment. The first question to which he was disposed to call the attention of the House was, whether it was allowable in any person to alter the mode in which his evidence was given, so as to make it assume an argumentative form, which it did not originally possess before the Committee; for this would naturally lead people to believe that such evidence had been of much more weight and importance than it really was. The hon. Member then proceeded to give specimens of the alterations to which he had referred, and observed that he did not complain of the statements themselves; but only of the fact that they had not been made before the Committee, but had been interpolated upon the actual evidence of the hon. Member for Bridport. The next point upon which he had to complain was, that by the alterations thus made, the arguments adduced by the hon. Member in support of his views on the Timber Duties had been considerably strengthened; and in order to enable the House to judge of this fact, he should end by moving, that the short-hand writer's notes be printed. The third point to which he must draw their attention was the circumstance that the hon. Member, who certainly must be looked upon as one of the most important witnesses on his side of the question, had, by the course which he thus adopted, altogether escaped that cross-examination to which he would have been subjected, had he made the same statements before the Committee as were now contained in the printed evidence, and he would have very probably been met and contradicted in some of his most material statements; he more particularly referred to what the evidence contained as having been stated by the hon. Member upon the subject of the tariff on Baltic and Norway deals, which, had he stated at the table of the Committee, would most assuredly have been questioned. He would, however, not weary the House by going any further into the details of these alterations, it was sufficient that they could be proved to have been made, and he would now further explain that his allegations did not refer to the corrections made in the papers and tables handed in by the hon. Member at the Committee, and which he then expressly observed were not correct, owing to the haste in which they were prepared. The observations which he had made, referred to the text of the printed evidence, and to that only; and if he had succeeded in showing that alterations of that magnitude had been made, let him ask in what manner it became the House to act on the occasion? He would not assert, that the present was an unprecedented occurrence; but he had searched the Records of that House, and had found no traces of any precedent, and most certainly the present was the first time that any question relating to such alterations had been brought before the House. The interest which he took in the whole question of the Timber Duties rendered him very desirous of seeing the evidence actually given before the Committee by the hon. Member for Bridport, printed in juxta-position with that contained in the volume laid before the House. He could have desired, as no doubt other Members of that House did, that the evidence had not been altered. But as the hon. Member, who had been examined at the eleventh hour, had altered his statements, he asked, in justice to his own views and opinions, that the House should be put in possession of the short-hand writer's notes, and thus be enabled to judge of what the hon. Member really did say. The next consideration which he had to submit to the House was, the degree of value which, by their declining to notice the present case, would in future attach, either within those walls or in the public at large, to the printed minutes of evidence taken before the Select Committees. Why should the farce of taking and printing evidence be gone through, if such circumstances as the present were permitted to pass unnoticed? Why not rather suffer each person to send in a treatise on the subject for examination? If a case like this were to pass, and no definite regulation were laid down as to the correction or alteration of evidence, what value, might he ask, would in future attach either to Reports from Select Committees or printed minutes of evidence? The case was, however, now in the hands of the House; he had been actuated by no personal motives in bringing it forward, and he should rest contented with the decision of the House, whatever that might be. He begged, therefore, to move that the evidence given by Henry Warburton, esq., a Member of the House, before the Select Committee, on the Timber Duties, be printed verbatim from the short-hand writer's notes, with the same evidence from the published Report of the Select Committee placed in parallel columns opposite each question and answer.

Mr. *Warburton* said, that during the ten years he had had the honour of a seat in Parliament, he had abstained from occupying its attention with anything personal to himself, because he considered the public business of so much more importance than anything that affected him; but after the motion which had been made by the hon. Member for Tynemouth, he could not forbear from stating to the House what his conduct had been on the subject. He did not know that the hon. Member had acted quite fairly in attempting to couple his name with the constitution of the Timber Duties Committee and its appointment by the Government, and by striving to create a prejudice against him in the minds of those Members who were opposed to that Government, by endeavouring to connect his conduct with the conduct of his Majesty's Ministers. He did think that the hon. Gentleman, considering how personal this motion must be, ought religiously to have abstained from creating any prejudice of this kind in the minds of those who had to entertain this question. This was the second attempt the hon. Member had made, to use a vulgar phrase, to burk his evidence. The first attempt was in the Committee. At an early period of the inquiry, he (Mr. Warburton) had informed the Chairman, that he was ready to give evidence before the Committee, and he left the Chairman to fix the time and opportunity for giving it. At the close of the inquiry, it was proposed that he should be examined. To this the hon. Member and his friends objected, contending that the witnesses ought to be examined first, one on one side and then one on the other; and they were for having them marshalled like the black and white men on a chess-board, as if witnesses were not to be valued by their weight but by their number; and, therefore, his (Mr. Warburton's) evidence was to be excluded. He informed the Committee, that he was not anxious to deliver his opinion on the subject; but being in possession of historical details for the last eighty years, collected from authentic documents, the owners of which were connected with the timber trade, he wished to lay them before the Committee. The hon. Gentleman, however, and his friends, brought forward a motion, that his (Mr. Warburton's) evidence should not be received. The hon. Gentleman was, however, unsuccessful in his endeavours to procure abortion, and now he tried to strangle the babe in its cradle. He would now come to the changes he had made in giving his evidence. Having stated to the Committee that he had matters of fact and history to lay before them, he adhered to his purpose of communicating them only; but some hon. Members of the Committee, who sometimes showed more zeal than discretion, knowing his opinion to be opposed to theirs, when they thought they had some fact which favoured their theory, endeavoured to break a lance with him; and, therefore, the House would find that sometimes, when he was driven into a corner, he had been obliged, when questions were asked on some matters of opinion, to answer them. For instance, the hon. Member for Worcester had a favourite theory, that the continuance of a trade was no proof that the trade was not a losing one. He had some questions put to him on this point, which he answered; and he mentioned this to show, that he was obliged sometimes to give evidence on matters of opinion. The House would, however, find that the points on which his evidence on matters of opinion was given were limited to very few. With reference to those, he had said, that it was impossible for him to fill up the details at that time. One of these points was, that whilst there was war on the continent, and the ports were open, prices were not lowered; another, that freight was the most varying of all the elements constituting price. It so happened that he was then asked by the right hon. Baronet, the Member for Cumberland, and the noble Lord the Member for Westmoreland, to supply the prices of the whole market for the last eighty-one years; he had undertaken the task, being also requested by the Chairman of the Committee; and, to complete it, it had taken up three months and a-half of his time, at twelve hours a-day. Having undertaken, then, to supply the details, he had thrown a few flowers over the barren path along which he travelled; and, because he had done so, were the hon. Members opposite to treat him like a school-boy, and to say, "You are tied to your lesson, and if you deviate from it you shall be flogged?" He read part of his evidence from tables which were then incomplete, and which he was then engaged in making. Allowing that there was very great delay in publishing the Report; still, if he could not complete what he had undertaken to do without the sacrifice of a great part of the long vacation, surely it was too much for the hon. Member to say, "You are the guilty cause, and it is attributable to you that persons on the other side of the Atlantic have not had an opportunity of reading the evidence." He did claim the liberty of making remarks on that table, which had cost him so much labour and so much time. All that he had done was, he had supplied all the details on the points which he had raised in the Committee himself, and he claimed to himself a degree of forbearance in not raising any questions of opinion on those details which were not raised in the Committee. He had ventured to strike out some words in questions, because they did not seem to him to be connected with the subject which was under the consideration of the Committee. For instance, he was asked, "Is not timber an article which, like wine or other things, improved by keeping?" Now, it appeared to him, that the words "other things" were not strictly connected with the subject; and, therefore, he took the liberty of striking them out. He had now stated the whole of his defence. He had told the Committee, that he could not supply all the details then; he had undertaken, at their request, to prepare them; and if he had sinned, let the Committee bear together with him that sin. No new points of opinion were raised by him in the published Report which were not raised by him in the course of his evidence before the Committee, and the 7,000 interpolated words which were laid at his door by the hon. Member were the consequences of his undertaking the completion of the Table. Upon the whole, he really ought to be much obliged to the hon. Member for unintentionally conferring a favour on him, for though the hon. Member wished to throw discredit on his evidence; yet, just as libels were spread by their authors being prosecuted, he had no doubt that, thanks to this Motion, where he should have had but one reader, he should now have one hundred.

Mr. *Robinson* did not know what effect the speech of the hon. Member for Bridport might have had upon the House, but it appeared to him that he had not answered in the slightest degree the allegations of his hon. Friend the Member for Tynemouth. The hon. Member might have been content to meet the charges which had been brought against himself instead of going out of his way to attack others. The hon. Member had said, that a great labour had been imposed upon him by the Committee, and then he asked the House whether he could help delaying the Report. Now, he (Mr. Robinson) denied that either the House or the Committee imposed on him any such labour at all. The hon. Member told the right hon. President of the Board of Trade that he had evidence to give before the Committee; but that evidence was proposed to be given when many of the members of the Committee had left town, and when those who were opposed to the hon. Gentleman's views were not able to produce evidence in controversion of the evidence given by the hon. Member. When they found that a majority was against them in favour of hearing the hon. Member's evidence, they proposed that some one else should be heard on their side; but the Committee would not allow it. The hon. Member for Tynemouth said, that he had no objection to the tables being completed; but what the hon. Member had complained of, and what he (Mr. Robinson) complained of, and what the House had to deal with, was, that alterations had been made in the substance of the evidence. This question might be treated as a party question, but let them, if such alterations were to be made with impunity, look to the effects which they would produce in impugning the integrity of the Report of the Committee. If the House was willing that gentlemen should write treatises and send them for the consideration of the House, let all parties stand on an equal footing; but he maintained that at present the public had no security whatever for a correct report of the evidence given before Committees of that House. He contended that the right hon. President of the Board of Trade ought to have intimated to the hon. Member that he might make his tables at his leisure, but he should not have delayed the publication of the evidence. The motion of his hon. Friend, to which the hon. Member for Bridport did not object, was, that the evidence in the report, and the evidence as taken by the short-hand-writer, should be placed in juxtaposition, and till that was done he thought hon. Members ought to suspend their opinions on the subject. He would remark, that other witnesses were told by the Chairman that they were not at liberty to do more than correct any verbal inaccuracies in the short-hand-writer's report, and the question was whether a witness, because he was a Member of that House, should be allowed to make alterations in his evidence, and keep the report in his hands three months and a-half? He had even done more than alter his own evidence, he had absolutely altered some of the questions. He acquitted the hon. Member of every thing except irregularity; but he knew how great an advocate he was for free trade, and how much his zeal might influence him.

Sir *James Graham* said, that having been referred to by the hon. Member for Bridport, he would state the facts of the case as far as they were known to him, for before the evidence closed he had left London. He could state, if any statement of his was necessary in confirmation of what had been said by the hon. Member for Bridport, whose honour had been unimpeached during the ten years he had known him a Member of that House, what took place with regard to that portion of the suggestion made by him with respect to the tables. The hon. Member for Bridport having made known to the Committee that he was in possession of details, resting on authentic documents, of the state of the timber trade for the last eighty years, he was asked to communicate them, but he said that they would be comparatively useless except in a tabular form, and to prepare tables at that period of the session was impossible. It was then suggested by himself and the noble Lord the Member for Westmoreland, that as the hon. Member was to be examined, he should be at liberty to complete his tables afterwards. The question then narrowed itself into one of irregularity; the hon. Member for Worcester put it no higher. He did think it important that published evidence should be strictly authenticated and printed as it was given; that, he believed, was the rule, as far as he knew. If any alteration was shown to the Chairman which did not touch the substance of the evidence, he might permit it to stand, but if it touched the substance, the Committee alone could permit it. Allowing it to be an irregularity, it arose from the permission given by the Committee under the peculiar circumstances of the case, in order that the tables might be filled up. This was a departure from the general rule, and was not he was bound to admit, strictly regular. He could not altogether exculpate his hon. Friend for having altered any of the questions which were put; it was only a matter of discretion, but it was a pity to do so, although every one would acquit him of having done so from sinister motives. But then the question was, whether this motion was to be pressed. He thought that sufficient had been done in bringing it forward, and that it would be of use in keeping the reports accurate in future, and no one could say that the irregularity affected the accuracy of the report or the hon. Member's honour.

Mr. *Poulett Thomson* would tell the House, so far as he was acquainted with the subject, what had occurred. In vindication of himself, particularly after the sort of charge which had been brought against him by the hon. Member for Worcester, with respect to his conduct as Chairman, he must say, that till the hon. Member for Tynemouth mentioned the subject, and he saw the hon. Member's notice on Tuesday, he was utterly ignorant of any alteration being made, and his attention, as Chairman, was never called to it, nor did he ever hear a syllable on the subject. He could most completely confirm every part of the statement made by the hon. Member for Bridport. His hon. Friend, the Member for Bridport, when he appeared before the Committee, brought with him papers from which he read certain portions of his evidence, and he referred to other documents, which the hon. Member informed the Committee were not in a state of preparation fit to be laid before them, and that it was necessary that he should have the documents before he completed his evidence. So far as his (Mr. Poulett Thomson's) recollection carried him back, it was most distinct that the hon. Member for Bridport did on this point state that he must be permitted to fill up all the chasms which might occur in his evidence, and that, so far from the case being such as had been stated by the hon. Member for Worcester, his (Mr. Poulett Thomson's) recollection was, that the hon. Member for Bridport was not only permitted, but authorized by the Committee to do so. There was another point referred to by the hon. Member for Worcester in respect to which his (Mr. Poulett Thomson's) recollection did not agree. The hon. Member for Worcester had stated, that the hon. Member for Bridport had not been authorized to correct his evidence, inasmuch as it was considered wholly satisfactory to the Committee. Now, he (Mr. Poulett Thomson) remembered that a considerable difference of opinion prevailed in the Committee as to the propriety of the hon. Member for Bridport at all giving evidence, as it might involve matter of opinions to which he had arrived; but he also remembered, that after his evidence had been given, there was in the Committee an expression of opinion that the evidence of the hon. Member for Bridport referred to facts, and not to mere matters of opinion. With regard to the statement of the hon. Member for Worcester, that he, and those who entertained similar views with himself on the subject of the Timber-duties, had not been afforded an opportunity of answering the evidence of the hon. Member for Bridport, he could only say, that such an opportunity was given them, but they did not think proper to call another witness. Now, to what after all did this charge amount? He (Mr. Poulett Thomson) contended, that there could be no charge of impropriety on the part of the hon. Member for Bridport, because whatever he did was authorized, not by him as Chairman, but by the Committee itself, all its members being present at the time. It was true it was not communicated to the hon. Member in an authentic form by him, as Chairman, but it was communicated to the hon. Member publicly before the Committee. If the evidence of the hon. Member were valuable, it could only be so when correct; and if it were capable of disproof, the hon. Member would have an opportunity of so dealing with it when the subject of the Timber-duties came regularly before the House. He thought the House would do wrong if it consented to publish the evidence in the manner suggested by the present motion, for it could answer no good purpose, while it would cast a slur and reproach upon his hon. Friend, the Member for Bridport. But the hon. Member for Tynemouth had also attacked both the nomination and the conduct of the Committee. If the hon. Member had really any charge to make as to the nomination of the Committee or its conduct, why had he not brought it forward at the time the Committee was sitting, or, at all events, during the last Session—why had he allowed the Committee to terminate its labours without bringing forward his complaints? With regard to the nomination of the Committee, the hon. Member had given notice of a motion for the appointment of additional members; and after bringing that motion forward last session, he came to a compromise and withdrew it, so that in this respect he ought not to complain. On what ground of either fairness or justice, then, could the hon. Member, after ten months had elapsed, come down and complain of that Committee? In respect, however, to the charge brought against the Committee, and against him, as Chairman, he would appeal to the hon. members of the Committee, and especially to the noble Lord opposite (Lord Sandon), whether the conduct of the Committee had not been correct and proper, and whether there had been anything like partiality in his conduct in the chair? It was true he had a difficult task to pursue, on a subject with respect to which parties were strong in one opinion, while others were equally warm in another and a different view; but the best proof of the proceedings being impartial towards both, was afforded in the fact that at the close of its labours he had been told by many hon. Members that they had got through a most difficult task with great good humour and with greater success than they had anticipated at the outset. The hon. Member for Tynemouth had said, that he was bound to see the evidence printed as delivered, and had also urged as a charge against him the delay which had taken place in supplying the report of the evidence. Now, he had inquired into the cause of the delay, and had received for answer that the Tables ordered by the Committee to be put into the evidence had not reached the printer's hands. He had then applied to his hon. Friend, the Member for Bridport, who fairly told him that the labour was so great that he had not yet finished all he had to do, but that he would lose no time. He had again sent to his hon. Friend on his return to town; and when he was informed by that hon. Gentleman of the extent of labour that he had undergone, his answer to his hon. Friend was, that he wished the Committee had known that the business would have been so laborious, because, if so, he would not himself, and he was sure the Committee would not, have taken upon themselves to impose on any hon. Gentleman such a task. Was, then, this onerous task now to be made a charge against the hon. Member, and was his conduct to be inculpated, as if it was something criminal? The hon. Member for Tynemouth had chosen to state, as an instance of unfairness in his (Mr. Poulett Thomson's) conduct as Chairman, that he had prevented other witnesses from altering the evidence they had given, whilst he had permitted the hon. Member for Bridport to do so. Now he (Mr. Poulett Thomson) had stated to every witness that he might look over his evidence, but was not to make material alterations. But he contended, that there was a vast difference between those witnesses and the hon. Member for Bridport, who had been expressly required by the Committee—authorized, nay, ordered by them—to append the documents in question. If there was an objection to this course, why had the hon. Member not raised it at the time? Did the hon. Member think that the hon. Member for Bridport would have undertaken a three months and a-half labour if he had not been desired by the Committee? He thought the hon. Member for Bridport stood most completely exculpated, and he could not consent to a motion which, while it answered no good purpose, cast a slur and a stigma, as it were, upon his hon. Friend.

Mr. Alderman *Thompson* said, that he had been a Member of the Committee, and thought that in carrying the alterations to the extent which had been done a great irregularity had been committed. He thought it was establishing a bad precedent to recognize such a practice, and therefore the House was much indebted to the hon. Member for Tynemouth for drawing its attention to the matter. It had been admitted to be an irregularity, and this notice of it would doubtless be sufficient to prevent the recurrence of such a transaction. He trusted, therefore, that the motion would not be pressed to a division, especially when every hon. Member who had spoken had disclaimed attributing any dishonourable motive to the hon. Member for Bridport. He trusted that the explanation which had been afforded would be thought sufficient, and that his hon. Friend would not divide the House on a subject of so personal a nature.

Mr. *Hume* thought it ought to be generally understood that no alterations of evidence, as delivered, would be permitted by the House. This was necessary to give the effect they ought to have to the reports submitted to the House from select Committees. If the present case stood without excuse, he should have joined in censuring the proceeding as an irregularity which ought not to be permitted, but his hon. Friend, the Member for Bridport, had only done that which had been requested of him by the Committee. That was admitted, and after licence and authority thus given, and more especially after the explanation afforded to the House by his hon. Friend, it would be very hard that anything like a censure should be passed upon him for executing with so much ability, and after extensive labours, a duty imposed upon him,—labours for which he, for one, thanked his hon. Friend. He hoped the hon. Member for Tynemouth would consent to withdraw his motion.

Sir *Matthew White Ridley* concurred in thinking it desirable the motion should be withdrawn. If, however, it went to a division, he must vote for it, because, if a material alteration had (as was stated by a member of the Committee) been made, it was only just and right that the evidence should be printed in the manner proposed, in order to come to a fair conclusion as to how far it could be answered or varied by cross-examination. If, however, he thought the motion conveyed the slightest censure on the hon. Member for Bridport for having improperly altered his evidence, he would not support it. The hon. Member for Tynemouth had himself acquitted the hon. Member for Bridport of any such intention, and the object of the motion was merely to prove the correctness of the evidence as now printed, and thereby to guide the House on the discussion of the existing timber duties. The motion attached no imputation on the character of the hon. Member for Bridport, which was above suspicion.

The *Chancellor of the Exchequer* reminded the House that the hon. Member for Bridport had not acted in the proceeding on his own motion, but upon the request and authority of the Committee. As a matter of principle, he was of opinion that evidence ought to be printed as given before a Committee; but when a Committee of its own accord gave instructions to a witness to complete his evidence, which, as in this case, could not be done pending its sitting, then he must say, that animadversion upon such a course was more applicable to the Committee directing it than to any other party. Believing, as he did to the fullest, the statement which had been made by the hon. Member for Bridport, supported (if it needed support) by his right hon. Friend the President of the Board of Trade, and the right hon. Baronet opposite (Sir James Graham), he thought the hon. Member for Bridport had cause to thank the hon. Member for Tynemouth for bringing the matter forward, because otherwise the important labours of the hon. Member would have been unknown. He must further say, that he never knew such an instance of labour and exertion devoted to the public service of the country. Nothing could be more important than the history of the timber trade for the last eighty years, which these labours and exertions had afforded to the House. As to the motion, if carried, it would convey a censure not intended either by the hon. Member for Tynemouth or those who supported him, and he therefore trusted he would take the advice thrown out, and not press the question to a division. If the hon. Member pressed the question he should most cheerfully, and from his heart, vote against it, affirming thereby the proceedings of the Committee, and affirming what was still more valuable and important—namely, that there was not a shadow of imputation against the hon. Member for Bridport; but that, on the contrary, the House had every reason to feel grateful to his hon. Friend for the pains and labour he had devoted to the subject.

Mr. *Hardy* conceived that the question was not merely a matter between the hon. Member for Tynemouth and the hon. Member for Bridport, but one in which the public was interested and deeply concerned, and by the adoption of the motion they ought, in reference to a great and important question, to have an opportunity of seeing on what part of the evidence reliance was to be placed.

Mr. *George F. Young* was at all times ready to bow to the feelings expressed by a majority of the House, but he must complain that he had been placed in a most unfair position, inasmuch as during the conversation which had taken place all the eulogy had been passed upon the hon. Member for Bridport, and all the blame had been attached to him. He had attended the Committee daily, and he repeated that he had never heard a syllable of such instructions to the hon. Member for Bridport as had been to-night stated, except that the hon. Member having said that he had not had time to prepare the tables, was desired to furnish them and attach them to his evidence. This statement had not been refuted, nor could it be. He maintained, that if the evidence were printed as he suggested, it would appear that alterations had been made both as to facts and opinions. He stood aloof from party, and therefore could not look to party for support, but he never would shrink from defending with independence any conclusion to which, after the exercise of his best judgment, he arrived. It was not his intention to prefer any charge against the hon. Member for Bridport, and he should not be indisposed to withdraw his motion.

Motion withdrawn.

CHURCH REFORM—REPORT OF THE CHURCH COMMISSIONERS.] Lord *John Russell* appeared at the Bar with the Report of the Ecclesiastical Commissioners. On its being brought up, the noble Lord, in moving that it be printed, stated that, in presenting the second Report of the Commissioners appointed to inquire into the state of the Church, he thought it proper, in conformity with the course which his noble Friend at the head of the Administration had adopted in the other House, to state shortly the general subject and nature of the Report. It would be in the recollection of the House, that the Commission was appointed, and the Commissioners were named, when the right hon. Baronet, the Member for Tamworth, was at the head of the Administration. The persons appointed were certain of the Archbishops and Bishops, and other persons more immediately connected with the Church, and three or four persons holding high situations in the Government. When the right hon. Baronet went out of office, he, and all those in office with him, withdrew from the Commission, and, with the acquiescence of the heads of the Church, a new Commission was issued, which included the name of his noble Friend at the head of the Government, and other persons holding similar situations under this Administration, to those which were held by the members of the former Administration, forming part of the Commission, and vacated their seats. Although, therefore, the persons in the Commission were changed, the objects of it were not altered; and he believed that he was entitled to say, that the discussions at the Board of Commissioners had always since then been carried on in the most amicable and friendly spirit, with the view of preparing measnres for the benefit of the Church and the advantage of the country. The Commissioners had been able unanimously to agree to a Report, involving some of the remaining important points not touched upon in the former Report. The subject of inquiry, as originally proposed, was divided into three heads. The first was respecting the territorial division and revenue of the bishoprics. The second respected the revenues of the cathedrals and collegiate churches, with the view of making their revenues more conducive to the services of the establishment; and the last subject of consideration had reference to the residence of the clergy, and to promote the due performance of their proper functions. Now, as regarded the first branch of the inquiry, the first Report had proposed, in the first place, a different territorial distribution of the dioceses, in order to make them more equal; then a'suppression of two sees, and the erection of two others. Thus far as regarded the duties. As regarded the revenues, the Report proposed that the greater part of them should be brought within a scale not exceeding 5,500*l.*, and not less than 4,500*l.*; and that none but the two archbishoprics of Canterbury and York, and the bishoprics of London, Durham, and Winchester, should be made exceptions to the rule. The only material alteration in this plan proposed to be made by the present Report was that, as regarded the territorial distribution of the sees, that portion of the diocese of Bristol which it had been proposed to make part of the see of Llandaff, should now be united, as far as regarded the city of Bristol, with the diocese of Bath and Wells; and, as far as regarded the other portions of it, that it should be united to the see of Gloucester. It was also proposed to unite the see of Sodor and Man to that of Carlisle. Then, with respect to the revenues of the several bishoprics, the present Report proposed certain diminutions. Taking the returns as presented to the Commissioners—which, however, might not be quite accurate, but they were the only ones of which the Commissioners had been able to avail themselves—it would appear that the present Report proposed these changes:—

Sees.	Present Income.	Reduced to	Surplus.
Canterbury	£17,000	£15,000	£2,000
London	12,200	10,000	2,200
Durham	17,800	8,000	9,800
Winchester	10,700	7,000	3,700
Ely	11,000	5,500	5,500
Worcester	6,500	5,000	1,500
To be united.			
St. Asaph	5,200	5,200	3,800
Bangor	3,800		
Leaving a total surplus of			£28,500

Now, it was proposed that this excess should be divided among thirteen other sees, so as to increase their revenues to between 3,000*l.* and 4,000*l.* per annum. With respect to the sees of Bath and Wells, Norwich and Salisbury, no alteration was proposed. The effect of the new distribution would be in conformity with the suggestions in the first Report, that there would no longer be the great disproportion, so much complained of, between the amount of the revenues enjoyed by the respective bishops, and the duties performed by them; with the additional benefit, that the evils of uniting benefices *in commendam* to the bishoprics, and of translation from the poorer sees to the richer, would be got rid of. The Report stated, that the whole of the episcopal revenues would suffice to provide for the whole number of bishoprics now proposed, but it also suggested that there should be some measures taken in order to change the mode of granting leases for lives and terms of years; but that was a subject which the Commissioners had found to be attended with much difficulty, and they had not made any distinct proposition upon it. With regard to the next branch of the inquiry entered into by the Commissioners—the amount and present distribution of the revenues of cathedral and collegiate chapters—the Report entered into some statements. The chapters were, at present, divided into two orders—those of the old foundation and those of the new foundation. Those of the old foundation were those which were founded before the reign of King Henry 8th, and they had this peculiarity, that they had not only separate estates affixed to each prebend, but that there were also in each a number—in some a larger, in others a smaller — of prebendaries and persons attached to the cathedral, but with no obligation of residence, and with smaller or larger incomes, and no duties to perform. Those of the new foundation were somewhat more systematic. They generally had an estate belonging to the dean and chapter, giving a yearly income, the surplus of which, after deducting expenses, such as for repairs of cathedrals, was divided generally into two portions, one portion for the dean, and the other for the other members of the chapter. The manner in which the Commissioners proposed to deal with these establishments was, in the first place, that all those prebendaries to which the condition of residence did not attach, and all other similar offices, should be altogether suppressed, their incomes being merged into some fund for the benefit of the clergy, and for the extension of the instruction afforded by the Church. And, with respect to the collegiate chapters in general, it was proposed by the Commissioners not to abolish them altogether, but to leave in each cathedral a sufficient number of dignitaries duly to perform the services of the cathedral, adding something to the incomes of the more distinguished. It was proposed that there should be a dean and four canons to each cathedral, and that all above that number should be suspended. The consequence of these proposed measures would be that, as regarded the chapters on the old foundation, there would be three hundred and sixty-eight prebendaries abolished, and that, as regarded those on the new foundation, the duties would be better regulated, and the service of the cathedrals better provided for. From these different measures there would result a surplus revenue of 130,000*l.* per annum, including the abolition of seventy sinecure rectories, thirty of which were in the gift of the Crown. With respect to the canonries and stalls remaining, it was considered that one of them might, in most cases, be made useful in maintaining an office of great importance—one of which was particularly conducive to the performance and due inspection of the affairs of the Church, but which was at present very ill remunerated—he referred to the office of archdeacon. It was proposed (he spoke generally, without adverting to particular cases) that one of the stalls should be attached to the office of the archdeacon. In some cases it might be advisable to attach a stall to the living of some adjoining populous parish the revenues of which were small. This had already been done in the case of Westminster, where one of the stalls which fell vacant during the Administration of the right hon. Baronet was given to the incumbent of a populous parish in the neighbourhood of the House. There was also another of the stalls in Westminster Abbey which it was now proposed to attach to the parish of St. John's, Westminster. These were particular instances. As regarded others which had fallen vacant in other chapters, it had also been thought adviseable to propose that they should be affixed to the cures of large and populous parishes. He now came to the last and most important branch of the inquiry—the provision for due residence on the part of the parochial clergy. With respect to this, it was proposed that the number of clergymen to be exempted from continual residence should be very much reduced—that these exemptions should be confined to the chaplains immediately in attendance on the Bishops, and on the Royal Family, the Heads of Universities, and the principal masters of Westminster and Eton schools, besides some others, which he need not now name. With respect to the time of residence, it was not proposed that any very material alteration should be made, except that deans should be obliged to reside nine months, and that a canon holding a benefice should not be allowed to be absent from it more than four months, including the three months during which he would be in attendance at the cathedral. With respect to pluralities, some considerable changes were proposed to be introduced into the law regulating these. It was proposed that no person should hold more than one living, together with a dignity, and that no one should hold two livings, the distance between which was greater than ten miles, or when one should yield more than 500*l.* per annum. This rule, it was proposed, should be absolute as regarded the distance of ten miles; but, with respect to the annual income of 500*l.*, it was proposed to extend it to meet the case of a clergyman holding rather a rich benefice and willing to hold another contiguous to it, the population of which might be very considerable in proportion to its income, in which case it was further proposed that the Bishop of the diocese should have power to grant a provisional licence, of which an immediate report should be made to the Archbishop, by whom the case would be laid before the King in Council, who would have the alternative of disapproving of the proposed licence. Having now stated the proposals of the Commissioners for the better arrangement and distribution of the duties of the various livings, it became necessary to say in what way it was proposed to dispose of the surplus funds which the new provisions would create, and which would come into the hands of the Commissioners, or, more probably, of some permanent Board to be appointed for the purpose. The object would be to dispose of this amount in such a manner as to make it beneficial to the church. Now, it would be evident to the House, that when such restrictions in the holding of a plurality of livings were imposed, it would be exceedingly difficult for clergymen, not holding more than one of the smaller livings, to live in that independent style that was desirable for a minister of the Church. It appeared that the relative values of the livings were as follows:—Of benefices under 150*l.* per annum there were 3,528, and of those under 100*l.* there were 1,926; of these the population of thirteen was above 10,000—of 51 above 5,000—of 251 above 2,000, and in 1,125 the population was between 500 and 2,000 persons; making 1,440 benefices having more than 500 inhabitants, with less than 150*l.* per year. Without troubling the House with the calculations which brought him to the result, he (Lord John Russell) would state, that if the stipends of the smaller livings were raised to 100*l.* per annum, and if the stipends of those of which the population was more than 500 were raised from 100*l.* to 150*l.* more than 160,000*l.* would be required to effect the arrangement; but at the same time it must be borne in mind that the sum to be derived from the suppressions which he had before stated to the House as forming part of the propositions of the Commissioners, would afford ample scope for its being carried into effect. On the other hand, there were also other evident means of applying any surplus which might afterwards remain, because, if the disproportion of church accommodation to the numbers of the population in the several parishes were taken into account, there would be found to be an ample field for an advantageous expenditure of the amount. Taking London alone, there were four parishes, containing 166,000 inhabitants, in which there was church room for only 8,200, less than one-twentieth. There were 184 parishes, containing 1,137,000 inhabitants, in which there was church accommodation for only 125,000, about one-tenth of the whole. In certain parishes of Lancashire, there was a population of 816,000, and only church accommodation for 97,700, or about one-eighth of the whole. There were also various other instances stated in the Report, showing, that while the population had very much increased, the churches and church room had not increased in proportion. He trusted that when the Commissioners came to consider this part of the subject, respecting which they had not as yet made their Report, a measure satisfactory to all parties would be suggested for the appropriation of this surplus, and that it would be directed to supply religious instruction to those places which were in absolute want of it. In many districts the Dissenters had supplied part of the deficiency by their chapels, but there were others in which the want of the means of religious worship was still very great. It was undoubtedly much to be regretted that such a want should exist, but he thought that Parliament would be convinced, when it was known that the highest dignitaries of the Clergy, the Bishops, and other elevated members of the Church, as well as the Crown, were ready to place at the disposal of Parliament a great portion of patronage and revenues which belonged to them. When these two parties gave up privileges which they had enjoyed from time immemorial—when they acted in this praiseworthy way, by surrendering up not only their patronage, but their revenues for the public good, he was convinced, he said, that Parliament would be unanimous in thinking that no better application could be made of the national funds than providing, where nenecessary, additional religious instruction for the people. He should not enter further into the details of the Report; but when it was laid before the House, hon. Gentlemen would have an ample opportunity of considering those details and the several alterations which the Commissioners proposed to make. He need hardly observe that the members of the Commission were unanimous in recommending this Report, and he therefore trusted and hoped that the subject to which it referred would be discussed in the same amicable spirit by Parliament that it had been by the Commissioners.

Sir *Robert Inglis* said, that, however much he respected and admired some of the members of the Commission, the Report of which the noble Lord had just brought up—however highly he esteemed the right rev. Prelates who had signed that Report—he could not conceal from the House the deep regret which he felt at hearing such a plan proposed for adoption as that which the noble Lord just announced. For his part, he was bound to say, that he would not be a party to the reception of a Report, the tendency of which he believed in his conscience would be fatal to the best interests of the Church of which he was a member. He certainly should not differ from the noble Lord with respect to the appropriation of the surplus which this Report proposed; but he must deny the right—taking that word in its largest sense, but without questioning the legal power—of Parliament to deprive one class of the Clergy of any portion of their revenues for the purpose of distributing it among another. At all events, he should be no party to any such arrangement. If he understood the noble Lord rightly, it was intended that the incomes of the present occupants of existing sees, livings, and prebends, should not be disturbed; and, before he proceeded further, he wished to ask the noble Lord whether he was correct—whether this plan meant to protect the rights of the existing sees, livings, and prebends? [Lord *John Russell* answered in the affirmative.] Then he was to understand that no person in possession of a see, living, stall, or prebend, was to be affected in their income by the plan recommended by this report? [Lord *John Russell:* Unless with their own consent.] Unless with their own consent. His opinion was, that no such Commission ought ever to have been appointed; nor was his view of the matter at all changed because the members of it consisted of a number of eminent Prelates as well as of laymen. He did not think that the property of the Church was a subject which ought to be dealt with in this way; and, considering the peculiar constitution of that House—considering that a great portion of the Members of it did not belong to the Established Religion—he must protest against having so important a question referred to such a tribunal. He should not now enter into any discussion of the details of the plan, because he knew that this was not the proper occasion for the purpose; but he could not, at the same time, help stating that, however he might approve of the object to which the surplus was proposed to be applied, he doubted the justice of the measure itself, as much as he differed from many of the details of the plan.

Mr. *Hume* thought, that the Commissioners had done not only themselves but the Church great credit by the manner in which they had executed the inquiry intrusted to them. That inquiry, however, should have been undertaken by the Church itself long ago. The only part of the plan on which he had any observation to make was that which related to pluralities; and no man, he thought, whose object really was to support the Church, could deny that such things should be done away with as speedily as possible. He was anxious they should consider how far retaining heads of colleges and schools with livings was advisable. He thought that it was not, and, as there was a surplus, it would be better, in his opinion, to attach incomes to such offices than to allow the parties to be paid for duties which they did not perform. This, he felt persuaded, would remove half the evils consequent upon the system of pluralities.

Mr. *Goulburn* said, that they would do little justice to this most important subject if they were to enter into any discussion of it on that occasion. It was a subject far too important as regarded the highest interests of the country, and the Protestant religion, to be dealt with until they had the whole of the details of the plan before them, and could consider in what way they could best work out the great object of the Commission, which had in view the extension of religious instruction, either entirely or partially, throughout every district of the country. With this feeling he should have avoided addressing the House at the present moment, if it had not been that he was one of those who had advised the issuing of this Commission, and that it might therefore appear, if he remained silent, that he had departed from the principles which had influenced him while in office to concur in a measure for the adoption of a plan for extending religious instruction. The plan now proposed had been prepared by those who were best calculated to form a right judgment on such a subject—by the members of the Church itself, aided in the progress of their inquiries by those who, next to the right rev. Prelates, were most bound in duty to uphold the religion of the country—he meant the responsible advisers of the Crown. He had viewed the appointment of the Commission as absolutely essential to the welfare of the increased population of the country, because he knew the difficulty of obtaining proper religious instruction in many parts to be very great. In all directions the demand for religious instruction was very pressing, and the object of appointing a Commission was to ascertain how that instruction could be most efficiently imparted. This could only be done by a general revision of the state of the Church, beginning with the highest dignitaries and ending with the parochial Clergy, and adapting their incomes to the altered circumstances of the country. He should, therefore, he was ready to confess, go into the consideration of the various provisions of the plan to be founded on this Report with a sincere desire to give it the effect which he should think best calculated to produce the result which they all so much desired; and he doubted not that if the matter were pursued with that which should be the wish of all parties—a determination to promote the interests of the Protestant Religion—the result to which they must come, founded, of course, on this Report, would not only give general satisfaction, but conduce to the best interests of the Church itself.

Doctor *Lushington* expressed the satisfaction which he felt at hearing such a plan as that which these Commissioners had recommended. So far from taking any exceptions to that plan, he was bound to say, that it exceeded any expectation which he had formed on the subject, and all he hoped was, that the scruples of the hon. Baronet, the Member for Oxford, should not disturb the unanimity which prevailed respecting the reform in the Church now proposed. Of the leading principles of this plan they must all approve, because every sixpence of the ecclesiastical revenues was to be appropriated to the use of the Church, and the sole alteration proposed to be made was in the distribution of those revenues. A greater advantage could not be bestowed on the Church Establishment. Whatever the sentiments were which he entertained respecting the Church of another country, he had always held, and continued to hold, that the Established Church of England had not a sixpence of revenue more than was adequate to the furtherance of the objects which that Church had in view. Now, if he understood the statement of his noble Friend, the surplus of the incomes of the Bishops, which were considered extravagant, was to be applied in the augmentation of smaller sees, the emoluments of which were utterly inadequate to sustain those Prelates by whom the duties of them were discharged. No one could doubt that the incomes of the Bishop of Llandaff and the Bishop of Oxford were insufficient to maintain the dignity of their stations, or to enable those right rev. Prelates to diffuse that charity which never appeared brighter than when proceeding from such hands. He was glad, however, that they meant to uphold the three great Sees as objects of ecclesiastical ambition, and to render the emoluments of the others adequate to the duties to be performed; but he must, at the same time, express his deep regret, that the hon. Baronet, the Member for Oxford, should believe that any tribunal, not even Parliament, had a right to deal with Church property. The next part of the plan to which he should advert was that which related to Deans and Chapters. He did not wish to say, that Deans and Chapters had produced no good—that they had not contributed to the advantage of religion, or promoted the literature and erudition of the country; but he did mean to say, that the benefits which had been derived from them, were by no means commensurate with the extent of the revenue which they received. He rejoiced to find, that the Commissioners did not propose to desecrate cathedrals and abolish sees, but that both were to be maintained in their integrity, although under somewhat different circumstances. It was impossible not to perceive the advantage of this arrangement. From the first hour of his being an Ecclesiastical Commissioner—from the first moment he entered upon the consideration of the state of the Church—he urged on the Archbishops and Bishops with whom he was connected, the absolute necessity of upholding the office of Archdeacon, and giving to the clergyman holding that preferment a revenue sufficient to enable him to perform the great and important duties attached to the office. The House must be aware the Archdeacon was frequently called upon to make a circuit or tour among the parochial clergy. The whole emoluments of the Archdeacon of Lincoln he knew to be no more than 180*l.* a-year; and as they must all admit, that such an amount was wholly inadequate to the duties to be performed, he for one should be glad to see a portion of the surplus applied to the augmentation of the incomes of the clergymen who filled this station. The office of Archdeacon was a highly important one; and, therefore, it was right, that the party occupying it should have no excuse for not discharging the duties of it properly. The last point to which he would advert was that which related to residence and pluralities. No one, he believed, who had considered the subject could, for a moment, doubt that it was most desirable, as far as practicable, to enforce residence, and do away with pluralities. The abolition of pluralities, however, formed a question of some difficulty, and could only be considered with reference to the existing state of the revenues of the Church. When he said this, he hoped it would not be supposed that he was not the advocate for the abolition of pluralities; on the contrary, he was anxious to see them done away with as speedily as possible, but not before proper inquiries on the subject had been made, and effectual means taken for insuring the adequate cure of souls in every case, without the necessity of annexing to livings the incomes of which were small other benefices, in order that qualified persons might be induced to hold them. He knew of several instances in which such livings had been rejected; and it was, therefore, important that some plan should be devised to obviate the difficulty before they proceeded to abolish pluralities. He could not conclude his observations without congratulating the House and the country on the prospect they had of seeing the abuses of the Church satisfactorily remedied. The measure was in its nature so remedial that it would finally lead to the abolition of pluralities; and so convinced was he that the plan announced by his noble

Friend would tend to the safety and protection of the Church—would secure it against the attacks to which otherwise it was likely to be exposed—that it should have his best support, because; if carried into execution, he fully believed it would not only ensure the prosperity of the Church, but establish it on a basis the most permanent and enduring.

Mr. *Grenville Vernon* observed, that the subject of pluralities was one respecting which very great error existed, as the evil was by no means so extensive as was generally supposed. The hon. Baronet, the Member for Oxford, and the hon. Member for Middlesex seemed to attribute to the Church a power which did not belong to it. The Church had no power whatever to interfere in the distribution of its revenues, and this he had reason to know from a proposition which a venerable relative of his had made on the subject to the head of a former Government. He, however, was prepared to give his candid attention to the plan recommended by the Commissioners, and to carry out their views as far as he thought they ought to be carried out.

The Report was agreed to, and ordered to be printed.

SPIRIT LICENCES.] Mr. *Divett* then rose, pursuant to the notice which he had given, to move for a Committee of the whole House on so much of the Act of 4th and 5th William 4th, cap. 75, as imposed an additional duty of fifty per cent. on Retail Spirit Licences. This Act, as the House would recollect, was introduced by Lord Althorp during the period he filled the office of Chancellor of the Exchequer, and nothing could possibly have been more oppressive than this increase of taxation had proved. The House would recollect that the Bill was brought forward at the close of the Session, when the attendance was not very numerous; but still, had hon. Members been in the least degree aware of the injustice which it would inflict on the licensed victuallers they never would have consented to its passing. When he brought forward this subject last year, his right hon. Friend, the Chancellor of the Exchequer, gave him a promise, that he would afford some relief to those classes. There was a feeling in the country, that upon this point his right hon. Friend had not kept faith with him. However, perhaps owing to the state of the revenue at that time, and to the pressure of other interests, his right hon. Friend had not been able to give more relief than he had done. He understood that his motion was to be opposed by the Chancellor of the Exchequer on the present occasion, upon the ground of relief having been afforded last year, and also that the Government could not afford to grant the amount of relief demanded. He (Mr. Divett), however, felt it to be his duty to appeal from the Chancellor of the Exchequer to that House, and to ask them to take the condition of this distressed body of men into their consideration, and restore them to that state in which they were before the passing of Lord Althorp's Bill. The hon. Member went into some details with a view of showing that the relief granted to the licensed victuallers was very insufficient, and that it was so apportioned that the most oppressed portion received the least amount of relief. With respect to the 4th and 5th of William 4th, there was a clause in that Act which provided, that where a dispute arose as to the value of a house the person dissatisfied with the valuation, and with the amount of rate charged, should be at liberty to obtain a new valuation in such way as should be pointed out by the Commissioners of Excise, and that the duty should be charged in proportion to the newly-ascertained value. He contended that this Act gave the Commissioners of Excise a most inquisitorial power with respect to this class of traders. He believed that the great support which the Bill of Lord Althorp received was from a feeling that it would tend to the promotion of morality amongst the lower classes, by checking the sale of ardent spirits. This tax, however, fell upon the licensed victualler who sold small quantities of spirits for the advantage of his customers, and who was already oppressed with taxation. Instead of checking the sale of ardent spirits, the effect of the Act to which he referred was quite the contrary. It held out a direct temptation to smuggling, for in giving relief to houses consuming fifty gallons, the effect was this: the retailer produced the forty gallons in the regular way, and saved himself the expense of an additional licence duty by smuggling all that he consumed over that quantity. In spite of the activity of a well-appointed coast-guard, he understood that, owing to the heavy duty, there was a great quantity of spirits smuggled into this country during the winter months, and a great quantity found its way into the possession of persons circumstanced in the way that he had just mentioned. With respect to the subject of his motion, great anxiety was felt throughout the country. In the course of the last Session there were no less than 200 petitions presented on this subject, and the present Session had scarcely commenced when similar petitions began to pour in upon them from all quarters. He hoped, then, that his motion would not be met by any declaration that it was not in the power of the Government to spare this reduction. But even were that the case, it would be much better to substitute an additional fractional duty on spirits than to continue the system of which he complained. After some further observations, the hon. Gentleman concluded by moving for a Committee of the whole House, to take into their immediate consideration so much of the 4th and 5th of William 4th, cap. 75, as imposes an additional duty of fifty per cent on retail spirit licences.

Mr. *Ewart* considered the additional duty imposed on spirit licences as a tax bad in principle and bad in character. He had a petition signed by many thousands of his constituents in Liverpool. This petition was signed by many of the most respectable inhabitants, not at all connected with the licensed victuallers; and the petitioners stated very strongly their opinion of the injustice of the additional tax, and he could assure the House their feeling was every day increasing. If his Majesty's Government did not abolish this impost they would have to encounter great hostility. It was only an Act of common justice to a deserving and industrious class if the House agreed to the motion of his hon. Friend. The additional tax on spirit licences was an aggravation of evil on a class already too much oppressed—and he was convinced it could not consistently with sound principles be advocated. Drinking of ardent spirits had not been increased by it. The only means of accomplishing such an object would be to promote education and do all that was possible to improve the morals of the people. If the Chancellor of the Exchequer did not come forward during the present Session to relieve those who now complained, he would have a much more arduous task to perform next Session. If the motion did not succeed on the present occasion, it must eventually.

The *Chancellor of the Exchequer* said, that the task of opposing this proposition was painful to him, and he begged to add that he believed the hon. Member for Exeter (Mr. Divett) was actuated by no unkind feeling towards the Government in bringing the motion forward. But he entreated the House, before they came to a vote on this subject, that they would do him the favour to listen to the few observations which he had to offer—that they would not come to a decision on the question without listening to the facts. He rejoiced that the country was financially in the position which disabled him from affirming that it would be injurious to public credit to acquiesce in the proposition; he believed, and he derived the greatest pleasure from having it in his power to state the fact, that the revenue would be able to bear this reduction. He, therefore, did not oppose the proposition on financial grounds; but he begged to call the attention of the House to the actual position in which this matter stood, and to the circumstances under which the proposition was brought under the consideration of the House. He had already said, that at the earliest possible period after the close of the financial year in April next, he would bring before the House the actual state of the income and expenditure of the country, and he trusted its condition would be flourishing enough to enable him to propose such modifications and alterations of some of the branches of taxation as appeared to himself and his colleagues, and as would appear also to the House, the best calculated to afford practical relief. The present proposition did not involve the question of a loss to the revenue of 120,000*l.* a-year—he did not ask the House to consider that; but in apportioning that amount of relief, he would ask the House not to decide on a mere review of the question of spirit licences, but to weigh one proposition against another, and then inquire of themselves, inquire of their constituents, and inquire of the country, whether, if they decided in favour of this one item of relief, they would give general satisfaction? He begged the House to bear in mind, that the duty on spirit licences was paid by the consumers of the spirits. That was an obvious fact, and he thought the proposition so clear that he did not at all expect to find it contradicted. Not imagining that he should require much authority in support of his views, he had not troubled himself to seek any but in the soundest authorities which could be consulted on such subjects, and he had found at hand the following observation :—" Such duties as those on licences to retail ale, wine, and spirituous liquors, though intended to fall on the retailers, are paid by the consumers." The authority from which he quoted was admitted to be a good one on such questions, being no less eminent an individual than the author of the " *Wealth of Nations*." He wished to bring before the attention of the House the circumstances under which the additional duty to which his hon. Friend had alluded was imposed by his noble Friend Earl Spencer. And here he must remark that the hon. Member for Exeter went no farther back for his facts than to that period. Why did he not go to an earlier period? If he had, he would have discovered that there was a time, not very distant, when the licensed victuallers received considerable relief. If the hon. Gentleman, instead of confining his view to the period just before 1834, had extended it to the time prior to 1825, he would have found that the smaller classes then paid for their licences upwards of 7*l.*; which sum was reduced by Lord Althorp to 3*l.* 3*s.*; and all who sold not more than fifty gallons of spirits in the course of the year, had had their licences reduced to 2*l.* 2*s.* When hon. Gentlemen considered the claims of the other classes of industry in this country, when they considered how that industry was borne down perhaps both by Excise regulations and financial impositions, he felt assured that they would pause before they granted relief to one single class. He had always thought, and had always said, that spirits were a fair article for taxation; indeed, it had always been his conviction, that a more fair article for taxation could not be found; and the limit was the fullest extent to which you could impose duty without creating smuggling. Lord Althorp, when he gave relief to the country from taxation to the amount of 1,200,000*l.*, considered it safer to impose an additional duty on spirit licences rather than on spirits. In 1835, objections were made in various petitions which were presented to the House against the licence duty. No great objections, however, were made to the increased duty when it was proposed by his noble Friend. At that time the boon of getting rid of the House-tax was considered so great, that he should like to see the Gentleman in this House, when he saw the necessity which existed of obtaining some indemnity—he should like to see the Gentleman who would have resisted the proposition; on the contrary, the question was raised in this House, and in other quarters, whether a greater duty should not be imposed on the retailers of spirits. He knew how distasteful to the House these details were, but the question appeared to him to be of so much importance as to make it his duty to submit this statement to their consideration. Last year, in order to meet the objections which had been made, he proposed that in cases where the consumption of spirits did not exceed fifty gallons, the additional duty on the licences should be altogether remitted. Some hon. Gentlemen then said, that the relief proffered would be next to nothing; in reply to which he stated, that the principle of his measure was to give relief to the smaller victualler. In the first place, the number of licensed victuallers throughout England was 47,340. The Act 5th and 6th William 4th, cap. 79, gave relief in 17,423 cases, being 36½ per cent. on the whole number of parties who were licensed victuallers. But let him call attention to the mode in which that relief was given to the smaller classes. The right hon. Gentleman accordingly quoted a passage from the

" Return of the number of retail spirit dealers in England, who have received relief under the Act 5th and 6th William 4th, cap. 39; stating the total amount of such relief, and the number of those relieved under each rate of duty. At 2*l.* 2*s.* instead of 3*l.* 3*s.*, 9,804: number in 1832-3, 14,491, relief 67½ per cent; at 4*l.* 4*s.* instead of 6*l.* 6*s.*, 6,454; in 1832-3, 18,349, relief 33 per cent; at 6*l.* 6*s.* instead of 9*l.* 9*s*, 584, number in 1832-3, 3,005, relief 19 per cent; at 7*l.* 7*s.* instead of 11*l.* 0*s.* 6*d.*, 197, number in 1832-3, 1729, relief 11 per-cent; at 8*l.* 8*s.* instead of 12*l.* 12*s.*, 207; number in 1832-3, 3,369, relief 6 per cent. at 9*l.* 9*s.*, instead of 14*l.* 3*s.* 6*d.* 71, number in 1832-3, 2,229, relief 3 per cent; at 10*l.* 10*s.* instead of 15*l.* 15*s.*, 106, number in 1832-3, 4,168, relief 2½ per cent; total number relieved, 17,423, ditto in 1832-3, 47,340, relief 36½ per cent; total amount of relief 28,172*l.* 16*s.*"

The above details showed that the Act had given relief to all the smaller dealers, and be it observed, to those connected with the agricultural parts of the country

—the very classes for whom his hon. Friend claimed relief. The relief which would be given by his hon. Friend's proposition, would be given just where the House would think it ought not to be given. As evidence of the extent to which the country and agricultural districts had been benefitted by his plan, the right hon. Gentleman quoted the following Return of the number of retail spirit dealers who have received relief under the Act 5th and 6th William 4th, cap. 39, and also the total amount of such relief:—

		Number relieved.	Amount of relief.		
England - -	Country - - -	17,382	£.27,972	5	0
	London - - -	41	200	11	0
	Total - - - -	17,423	28,172	16	0
Scotland - - - - - - - - -		1,596	1,983	15	6
Ireland - - - - - - - - - -		2,616	3,161	0	6
	United Kingdom	21,635	£ 33,187	12	0

Excise Office, March 10th, 1836.

If this proposition were carried, you would give relief to 21,091 dealers in London, comprehending the whole of the gin-shops in this metropolis. Now, he would say, that if they had a surplus to give away, it was not in that quarter that he would give it. He was prepared to show them, if his hon. Friend would only afford him the opportunity, the advantages of repealing one tax as compared with another, and he would then ask the House to judge between them, which of the two propositions was best. He did not hesitate to say that he felt confident the House would agree with him, and would not apply a surplus of 120,000*l.* to increase the sale of gin. The noble Lord, the Member for South Lancashire, presented a petition but a few days ago on the subject of the paper duties, and stated, as a part of his case, the extreme hardship to which the paper-stainers were now subject. The noble Lord spoke of the benefit which it would be to industry—of the ornament which it would add to our houses; he spoke of the cleanliness and neatness which it would impart to the humble cottage; and he spoke of the improvement it would occasion in the revenue itself if the duty were reduced. Now the whole of the duty on stained paper might be repealed for less than the sum which the hon. Member proposed to waste for the relief of the licensed victualler and gin-drinkers. For the sake of the people—for the sake of the industry of the land, he would say they must negative the proposition; let them, at least, suspend their judgment till they had the opportunity of comparing the hon. Member's plan with his, and adopting the one which they preferred. Were there no honourable Gentlemen who had claims to put in for other branches of manufacture? Did hon. Members recollect what had been done with respect to the glass trade? Did they recollect the relief which was afforded to the glass trade last year; the whole amount of the duties on which did not exceed the amount they were called on now to sacrifice? Did Gentlemen bear in mind the extent to which that relief had put machinery in motion? Did they recollect how it had raised wages—how it had improved the character of the manufacture—and the promise which it gave of being an increasing source of wealth to the country? There was another proposition about to be discussed—a proposition which came before the House in the shape of petitions. The hon. Member for Liverpool had heard lately from his constituents on the subject of raw cottons. Had the hon. Member for Exeter heard nothing of the daily applications made to the Treasury to carry into effect various reductions of taxation of real importance, many of them recommended by the Commission of Excise Inquiry, many of them which, if they could be effected, would really benefit the community? Give him a free stage and no favour, to discuss this question, and he was not afraid of the result. But his hon. Friend let out a small matter, and to that he wished particularly to call the attention of the House. His hon. Friend told them that there had been a general election, and he said that the publicans at that election had put forward as a permanent grievance the amount of this tax. He knew it—the complaint was addressed to him also, and he met it. He met it, too, under a more arduous responsibility than the hon. Member for Exeter, because he was connected with the Government who imposed the tax, and he could assure his hon. Friend that it was not, under the circumstances, a very agreeable subject of conversation between him and the victualler. Which course, however, was it his duty to take here on a question of taxation? Not that which he thought most palatable to them, but that rather which he knew to be most conducive to the welfare of the public. He explained and they were satisfied; he heard no complaints, though he told them that it was the intention of the Government to renew this tax. He asked the hon. Gentleman for permission to put the question fairly.

Let there be a division to decide whether the relief proposed by him to be given to the consumers of gin was or was not better than the relief which he (the Chancellor of the Exchequer) proposed to give. If they crippled the industry of the country by adopting such courses as that recommended —if they had not the courage to stand out, they were unfit to sit in that House, or to exercise the functions of a Legislature.—Honourable Gentlemen should recollect, that there was the question of marine insurances to be considered. There was also a proposition of his own, which was in a few days to be submitted to them: it was, that they should take into consideration the Stamp Duties. He proposed, in the Bill of which he had given notice, to make considerable reductions in all of them. It was important that these matters should be considered, when they were giving substantial relief. But would his hon. Friend anticipate him by a premature discussion, and deprive the House of an examination of the propositions he (the Chancellor of the Exchequer) had to make, and of pronouncing upon them its fair, just, and deliberate judgment? His hon. Friend could not be more anxious to repeal taxes than he was; nor could his hon. Friend be more desirous of giving relief. It was his opinion that hon. Gentlemen would not act wisely in making their first proposition for a relief from taxation, to select ardent spirits as the most suitable matter upon which to afford relief. He meant to make his financial statement in a month, and should then submit his propositions to the House. He trusted his hon. Friend would postpone his motion till that period. If, however, after this appeal, the hon. Gentleman should persevere and would not allow him to submit his financial propositions to the House, then he trusted, that hon. Gentlemen would feel it to be their duty to support him in resisting the motion.

Mr. *Heathcote* was opposed to the reduction of the duty on licences granted to the proprietors of large spirit establishments; but there were other classes—he meant those who kept inns on the road side, and in rural districts, where relief was required. He was most happy to hear the hopes expressed by the Chancellor of the Exchequer, of being able to propose a reduction of taxation, and afford relief in some quarters. He was an advocate for keeping an additional duty on large dealers, but it ought to be removed in some cases where it was now enforced.—Under the circumstances of the case, however, he would advise the hon. Member for Exeter to postpone his motion for a month, as suggested by the Chancellor of the Exchequer.

Viscount *Sandon* could not view the additional duty on spirit licences as a tax on the consumers, but as a direct tax on the dealer. If the tax was on ardent spirits, he would not oppose its continuance; but as he did not think it was, he should support the motion.

Mr. *Gillon* was of opinion that the parties should have no licences to pay for a fair, honest, and respectable calling. He could not understand, but he saw it with regret, why there was such a willingness to lay duty on spirits, the luxury of the poor man. As to intemperance, it was only the spread of knowledge that could put it down. There should be a reduction of these duties. However, under the circumstances, he was one who thought it would be wise to postpone the motion for the present.

Mr. *Charles Barclay* thought the present an unfavourable opportunity for pressing the question. It should be brought under the consideration of the Government at a more convenient time than the present.

Mr. *Hume* was glad that these claims had been brought before the House. He was one who had not thrown objections in the way of imposing of the tax, because the then Chancellor of the Exchequer stated that he had to reduce the House-tax of 1,200,000*l.* to which he was pledged, but that he (the Chancellor) found, that after the reduction he should not have the requisite financial surplus, and he hoped that, under the circumstances, the House would enable him to have that surplus, by allowing him to impose certain taxes, of which the present tax was one, and he (Mr. Hume) believed that the new licence tax would be taken off as soon as the surplus was naturally restored. Under these circumstances, and considering also that the people upon whom this tax had fallen so heavily were not, as was intended, the people who sold a large amount of spirits, but who dealt in a small way in the country, he was extremely glad, seeing these things, that the hon. Gentleman (Mr. Divett) should have brought before the House the claims of the parties. He thought, however, that when the Chancellor of the Exchequer had made his appeal for one month's delay, until he could make his financial statement, that it would be prejudicing the interests of the parties, and diminishing their chance of success, to press the question this evening, when there was an impression upon the House that it was fair towards the Government and the Chancellor of the Exchequer to wait for the period in question.

Mr. *Miles* said, the Chancellor of the Exchequer should have held out some hope of a reduction of these duties. He was convinced that this tax did not fall upon the consumer. It was a great tax on rental at a time when there was a difficulty in paying rental. The tax in question could not be charged to the consumer, from the impracticability of an additional price being put on spirits. He was of opinion a tax upon the real consumption of spirits in the houses should be substituted, and that that tax should be in proportion to the amount of consumption. Such a tax would reach the gin palaces, that were the places of the greatest demoralization.

Colonel *Sibthorpe* supported the motion. He asked the Chancellor of the Exchequer when it was they were to expect the Budget?

The *Chancellor of the Exchequer*, in answer to the gallant Officer, said he should bring forward the Budget at the very earliest period after the close of the financial year the state of the notice-book would permit.

Dr. *Bowring* advised the hon. Member for Exeter to withdraw his motion for the sake of the parties themselves. The request of the Chancellor of the Exchequer was reasonable. As the hon. Member persisted in his motion, he begged leave to move as an amendment, that the subject should be postponed till the 14th of April.

Mr. *Philip Howard*, though he considered the claims in question deserving of the greatest consideration, should support the amendment postponing the question until they could take a general view of the finances, and they could be sure they were not relieving one party at the expense of another. He suspected the zeal of hon. Gentlemen opposite, and believed they wanted to embarrass the King's Government.

Mr. *Goulburn* said, he was far from wishing to interrupt the course of the Chancellor of the Exchequer, and he was not factious, but was determined to give that support to the Ministry which he should himself expect were he a Member of the Government. He did not pledge himself, however, that this tax was upon the consumer. He considered this a tax on one particular class, not on consumers. The man who rented a house at a small rent could sell any quantity of spirits, without being liable to the duty, whilst the man who rented a house at a high rent, if he sold above fifty gallons a year, was subject to a considerable tax. The tax did not fall on the consumer therefore, for if the party raised the price of spirits, and charged the tax on the consumer, he would see the consumer go to that other party who could sell the spirits without the additional price. He should vote with the Chancellor of the Exchequer, however, and it was upon the ground that it was impolitic to enter into the discussion of the repeal of taxes one by one, or before they had taken a general view and could act the most for the general welfare. He was desirous of some arrangement of these duties which would make them operate impartially and equally, whilst it should not diminsh their general produce to the revenue.

Sir *Matthew White Ridley* said, this tax fell on a particular class, who paid without it their due share of the general taxation. He should support the motion.

Lord *John Russell* said, that it was the custom to wait until the close of the financial year, and till Government could take a general view of the taxation and propose reductions suitable to the general welfare; and if the Government failed to act for the best, then the different Members might bring forward plans of their own. If every Gentleman brought forward particular propositions, and they were agreed to, the consequence would be, that they would be more likely to consult particular interests than the general interests of the country. He, therefore, thought they should wait for the statement of the Chancellor of the Exchequer, when they would be enabled to judge on a full view of the case. The time was not come when the Chancellor of the Exchequer could make up his mind as to the reductions he could propose to the House, and all he asked was that they should not come to any decision on a particular question till that time, which was not distant, should arrive. He thought it would undoubtedly be a fairer tax if, as had been proposed, the duty was laid on in proportion to the sale, and those persons were relieved who sold small quantities by laying an additional duty on those whose sale was more considerable. That was a proposition on which the Chancellor of the Exchequer had bestowed considerable attention, and would again take it into consideration. He therefore thought the motion should be postponed, and would himself have proposed the previous question had not the hon. Member for Kilmarnock moved the Amendment, which he should support, to give the Chancellor of the Exchequer the opportunity of making his statement before the House bound itself to any particular reduction.

Sir *William Follett* said, he perfectly agreed that it was in general more convenient not to propose a discussion on a particular tax till the Chancellor of the Exchequer made his financial statement; but he was afraid that was not the object of the postponement now proposed. If the Chancellor of the Exchequer gave a hope that when he should make his statement he would propose to repeal the tax, then he would ask his hon. Colleague to withdraw his motion; but the Chancellor of the Exchequer said he could give no relief. Another reason for pressing the repeal of the duty was, that they were told by the Chancellor of the Exchequer, in 1834, that this duty would not fall on the retailer; it was now found that it did fall on the retailer, and as the Chancellor of the Exchequer had a surplus, and could give relief, he hoped his hon. Colleague would press the question to a division.

Sir *James Graham* thought the Chancellor of the Exchequer did not say that he would give no relief, but that if he found he could substitute a duty on quantity he would be glad to do so. He understood him to say that he was disposed to consider the question with a view to that institution. But these were not the grounds on which his vote should be given. It was said there would be a surplus revenue, but he wished to see that authenticated by a balance sheet; and he perfectly agreed with the noble Lord opposite, that if before that statement was made the House should decide on the reduction of a particular tax, he was afraid that a majority would take off tax after tax till the whole system was broken down. He never felt it to be more his duty to support Ministers than on this occasion, and he had come down to the House to give them that support.

Mr. *Divett* could not but consider the motion for further delay a delusion. After the manner in which the Chancellor of the Exchequer met the question, if it were postponed it was floored for the Session. He rejoiced to hear that there was a surplus, and that if the House agreed to his motion, it could not cause the slightest injury to the finances of the country. One thing was said by the Chancellor of the Exchequer which he thought unworthy of him. He said, that if the motion were agreed to, he would move an amendment to repeal another tax. The Chancellor of the Exchequer knew that he had no wish to embarrass the Government, but he had no hope of the tax being repealed if he agreed to postpone his motion, and thought he should not do his duty if he did not divide the House. He denied that he had brought forward the question for the sake of popularity; he had brought it forward to obtain relief for an industrious class of traders from a partial and oppressive tax.

The House divided on the Amendment—Ayes 165; Noes 155.—Majority 10.

List of the Ayes.

Adam, Sir Charles
Agnew, Sir Andrew
Angerstein, J.
Anson, G.
Baldwin, H.
Bannerman, A.
Baring, F.
Baring, W.
Baring, T.
Barron, H. W.
Barry, E. S.
Bentinck, Lord G.
Biddulph, R.
Bolling, W.
Bowring, J.
Brady, D. C.
Branston, T. W.
Bridgeman, H.
Brotherton, T.
Brudenell, Lord
Buller, E.
Burton, H.
Buxton, T. F.
Byng, G. S.
Campbell, Sir John
Campbell, W.
Cavendish, G.
Cayley, E. S.
Chalmers, P.
Chichester, J.
Childers
Chisholm, A. W.
Clay, W.
Clive, E.
Conolly, E. M.
Cowper, Hon. W. F.
Crawford, W. S.
Crompton, S.
Dalmeny, Lord
Denison, E.
Dillwyn, L. W.
Donkin, Sir Rufane
Dundas, J.
Dundas, J.
Dunlop, T.
Ebrington, Lord
Fellowes, Newton
Fergusson, Cutlar
Finn, W. F.
French, F.
Gillon, W. D.
Gordon, R.
Goulburn, H.
Graham, Sir James
Greisley, Sir Roger
Grey, Sir George
Grimston, Lord
Grosvenor, Lord R.
Grote, G.
Gully, J.
Halse, J.
Handley, H.

Harland, W. C.
Hawkins, J. H.
Hay, Sir A. Leith
Hay, Sir John
Herries, Rt. hon. J. C.
Hobhouse, Sir John
Hope, J.
Horsman
Howard, P.
Howard, R.
Howick, Lord
Hume, J.
Hurst, R. H.
Jephson, C. D. O.
Jones, T.
Labouchere, Rt. hon. Henry
Lefevre, Shaw
Lefroy, T.
Lemon, Sir Charles
Lennox, Lord G.
Lennox, Lord A.
Loch, J.
Lynch, A. H.
M'Leod, R.
Maher, J.
Mangles, J.
Marshall, W.
Mathew, G. B.
Maule, Fox
Miles, W.
Molesworth, Sir Wm.
Morgan, C. M. R.
Morpeth, Lord
Mosley, Sir Oswald
Mullins, F. W.
Murray, Rt. hon. J. A.
Musgrave, Sir R.
Nicholl, J.
O'Brien, W.
O'Connell, D.
O'Ferrall, R. M.
O'Loghlen, M.
Ord, W. H.
Ord, W.
Paget, F.
Parnell, Sir Henry
Parry, L. P. J.
Pattison, J.
Pease, J.
Pelham, C.
Pendarves, E. W. W.
Philips, M.
Philips, G.
Phillipps, C.
Potter, R.
Poyntz, W. S.
Price, Sir Robert
Pryme, G.
Pusey, P.
Rice, Spring
Roebuck, J. A.
Rolfe, Sir Robert
Rooper, J. B.
Russell, Lord John
Sanford, E. A.
Scott, Sir Edward
Scott, J.
Scourfield, W. H.
Scrope, G. P.
Seymour, Lord
Sharpe, M.
Shaw, Rt. hon. F.
Sheldon, E. R. C.
Sheppard, T.
Sinclair, Sir George
Smith, B.
Stanley, Lord
Strutt, E.
Stuart, Lord James
Stuart, Villiers
Talbot, J.
Tancred, H. W.
Thomson, P.
Thompson, B.
Thompson, T. P.
Townley, R. G.
Trelawney, Sir Wm.
Tulk, C. A.
Twiss, H.
Verney, Sir Harry
Vesey, Hon. T.
Wall, Baring
Wallace, R.
Warburton, H.
Wilbraham, G.
Williams, W.
Williams, Sir James
Williamson, Sir H.
Wilson, H.
Winnington, Sir T.
Wood, C.
Wyse, T.
Yorke, E.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Archdall, M.
Attwood, T.
Bagot, Hon. W.
Bailey, J.
Baillie, H. D.
Bainbridge, E. T.
Baines, E.
Balfour, T.
Barclay, C.
Barnard, E. G.
Barneby, T.
Beauclerk, Major A.
Beckett, Sir John
Bell, M.
Beresford, Sir John
Bernal, R.
Bewes, T. B.
Blackburne, J. I.
Blackstone, W. S.
Blamire, W.
Boldero, Capt. H. G.
Borthwick, P.
Brocklehurst, J.
Brodie, M. B.
Brownrigg, J. S.
Bruen, F.
Buller, Sir John
Bulwer, E.
Chetwynd, W. F.
Chichester, A.
Clerk, Sir George
Codrington, C.
Colborne, Ridley
Cole, A.
Collier, T.
Compton, H. C.
Conyngham, Lord
Cripps, J.
Curteis, H.
Denison, W.
D'Eyncourt, Rt. hon. C. T.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, T.
Dundas, T.
East, J. B.
Eaton, R. J.
Egerton, W.
Elley, Sir John
Elphinstone, H.
Elwes, J. P.
Entwisle, J.
Fector, J. M.
Feilden, W.
Fielden, J.
Fleming, J. W.
Follett, Sir William
Forbes, W.
Forester, Hon. G.
Forster, C. S.
Fort, J.
Gaskell, D.
Gaskell, J. M.
Gladstone, T.
Goring, H. D.
Greene, Thos.
Grimston, E.
Hale
Hall, B.
Hardy, J.
Hawes, B.
Hawkes, T.
Heathcoat, J.
Heathcote, G.
Hector, C. J.
Henniker, Lord
Hindley, C.
Hodges, T.
Hogg, J. W.
Holland, E.
Hoskins, K.
Houldsworth, T.
Hughes, Hughes
Hutt, W.
Johnston, A.
Jones, W.
Kearsley, H. J.
Kemp, J. R.
Knight, Gally
Knightley, Sir Chas.
Lawson, A.
Leader, J. T.
Lees, J. F.
Lewis, D.
Lincoln, Lord
Lister, E. C.
Long, W.
Lushington, S.
Lushington, C.
Lowther, J. H.
Marjoribanks, S.
Marsland, Henry
Marsland, Thomas
Martin, J.
Maxwell, H.
Neeld, J.
Norreys, Lord
Palmer, C.
Palmer, R.
Parrott, J.
Pechell, G. R.
Plumptre, J. P.
Praed, W.
Price, Grove
Reid, Sir John
Richards, J.
Rickford, W.
Ridley, Sir Matthew
Robinson, G. R.
Ross, C.
Russell, C.
Ryle, J.
Sandon, Lord
Scarlett, Hon. R. C.
Sibthorp, Col. C. D. W.
Somerset, Lord G.
Spry, Sir Samuel
Stewart, P.
Strickland, Sir Geo.
Thompson, W.
Thornely, T.
Tollemache, hon. A.
Tooke, W.
Trevor, A.
Turner, W.
Tyrrell, Sir John
Vere, Sir Charles
Vernon, Granville
Villiers, C. P.
Wakley, T.
Walker, R.
Walter, J.
Wason, R.
Weyland, Major R.
Wigney, J. N.
Wilbraham, R.
Wilks, J.
Williams, Addams
Wilmot, Sir John E.
Winnington, H.
Wood, M.

TELLERS.

Divett, E.
Ewart, W.

LANDLORDS AND TENANTS (IRELAND).] Mr *Sharman Crawford* rose, to move for leave to bring in his Bill for the Amendment of the Law of Landlord and Tenant in Ireland. The hon. Member presented Petitions from several places in favour of the proposed measure. He had other Petitions, he said, which he should present on a future day. He was at a loss to know how he should proceed in submitting this Question to the consideration of the House at that late hour. He felt he should not do justice to the cause without stating the grounds on which he demanded their assent to the measure he proposed. He felt he could not ask the sanction of the House, with propriety, to that measure, without bringing before them the condition of the Irish peasantry, which rendered such a measure necessary; but, at the same time, he did not wonder the House should be reluctant to hear any lengthened details at that late hour. He would, therefore, submit to their pleasure, whether he should proceed or not. He stood before them to call the attention of the House to a subject to which it had not before been specially directed. He pleaded the cause of the wretched and starving rack-renters of Ireland—of the occupiers and cultivators of the soil, spread over a great portion of the area of that country. He would not detain the House at that hour by a detailed description of their condition—he would merely glance at it. If those circumstances were viewed which denote the condition of any peasantry, their wretchedness would be easily demonstrated. Look to their habitations, and they would be found unfit for human beings—their lands in the most deficient state of cultivation—exhausted and unproductive, from the want of manure, which it was impossible for them to supply, their poverty not permitting them to keep live stock of any description—their clothing unfit to protect them from the inclemency of the weather—willing to work, at the same time destitute of employment, whilst in the most distressed districts, thousands of acres of land, easily reclaimable, and of the most productive nature, were lying waste and unproductive. What was the cause of all this misery, he asked? He answered, unhesitatingly, the disorganised state of the relationship between landlord and tenant. When we look to the state of that relationship, what do we find? A rack-rent was extorted from the poor tenant, who, from the necessity to have land or starve, was not a free agent in his bargain; a rent which was not only beyond the fair value of the land, but, in many cases, beyond the whole value of the produce of the land—let as it was, without any buildings or improvements made by the landlord, and the tenant having no means to provide these accommodations, except in so far as he could attain them by the sweat of his brow, and the profits of his labour. The tenant was then always in debt, was at all times liable to distresses and ejectments, and was frequently dispossessed, without the smallest compensation for the fruits of his labour, even where that had been productive in the creation of real improvements. Thus he was turned out in perfect destitution, and must either starve or subsist himself by begging or plundering, and thus outrage and violence is created, and the people desire to obtain that redress by their own power, which the laws, or the justice, or even the compassion of the landlords, or their agents deny them. In giving this description, he must be understood as speaking of the most distressed districts. He admitted that there were districts of Ireland which did not come under this description. He especially referred to the province of Ulster; but what was the cause that Ulster was more prosperous than other portions of Ireland? Because the landlords and the occupiers of the soil had a community of interests and a community of feeling. In the troubles of Ireland, the lands of Ulster were not only forfeited, but were colonised. Landlord and tenant came together, and brought with them common feelings of attachment. But in the other parts of Ireland, a new set of proprietors was set over a people whom they despised, whom they considered conquered slaves, and whom it was their object and desire to keep in degradation of mind and body. This was the cause why Ulster preceded the other parts of Ireland in prosperity and improvement, and confirmed the proposition he started with, that the evils and miseries of the people of Ireland were chiefly attributable to the disordered relationship between the landlord and tenant. A reference to all the Reports which had been made at different times to the Lords and Commons would confirm those statements. He would read an Extract from the Report of the Lords' Committee in 1825, which proceeded from a most impartial witness, and one whose testimony would probably make more impression than any thing he could say. It was the examination of Mr. Nimmo, and to be found at pp. 165, 779, and was as follows:—"State your opinion of the state and condition of the peasantry of Ireland?—I conceive the peasantry of Ireland to be, in general, in almost the lowest possible state of existence; their cabins are in the most miserable condition, and their food potatoes, with water, frequently without even salt; and I have frequently met persons that begged of me, on their knees, for the love of God, to give them some promise of employment, that from the credit of that, they might get means of support. To what cuases do you principally attribute this state?—It is unquestionable that the great cause of the miserable condition and disturbances is the management of the land. There is no means of employment, nor no certainty that the peasant has of existence for another year, or even for another day, but by getting possession of a portion of land, on which he can plant potatoes; and in consequence of the increase of population, the competition for land has attained an appearance of something like the competition for provisions in a besieged town, or in a ship that is out at sea; and as there is no check to the demand which may be made by those who possess the land, it has risen to prices far beyond what it is possible for the poor tenants to extract from it in the way in which they cultivate it, and the landlord has, in the eyes of the peasant, the right to take from him, in a summary way, every thing he has, if he is unable to execute those covenants which he was obliged to enter into from the dread of starvation." Mr. Nimmo stated the practice of distress as the usual expedient to enforce the demands of the landlord. He stated the nature of the term: Irish tenants being always allowed to be from half a year to a year in arrear, the landlord, therefore, could always drive; and this power was applied for all purposes. For example, he said—"I want the people to work for 8*d.*; they demand 10*d.* I complain to the landlord, whose interest it is that the work should go on, that the wages might go to the payment of his own rent, and he forces them under the threat of distress. And in like manner I have known notices sent to prevent them working for me." Being asked could he prove this, he said he had written documents that would authenticate all he stated. It occurred both in Kerry and Mayo. "Was it because the people were unwilling to work at all that compulsion was resorted to?—No, it proceeded from a desire to obtain better wages. Do you attribute the distressed state of Ireland to the power which resides in the landlords, and to its abuse? I conceive there is no check to that power; it appears to me that, under colour of law, the landlord may convert that power to any purpose he pleases; the consequence is, that when he wishes he can extract from the peasant every shilling beyond bare existence which can be produced by him from the land. The lower order of peasantry can thus never acquire anything like property; and the landlord, at the least reverse of prices, has it in his power, and does seize his cow, bed, potatoes in the ground, and everything he has, and can dispose of the property at any price." He was prepared to make various other references—to bring before the House at large the arguments in support of the measure he proposed. But, as it was unreasonable to detain the House at that very late hour, he would simply state that his object was to give the tenant some remedy—some means of obtaining compensation for the fruits of his toil and labour, in case of his being ejected from the soil on which he had expended it. He had brought in a Bill last Session with this object; it was read a first time, and printed; but, in consequence of the various important measures under discussion, he refrained from pressing it forward to a farther discussion. That Bill having been in the hands of Members, he should only at present state some alterations which he proposed. Various objections had been made, and he endeavoured, as far as possible, to meet those objections. He proposed, that with reference to all improvements to be made after the passing of this Act, a notice should be served on the landlord, specifying the nature, extent, and expense of such buildings or improvements; that this notice should be registered in a parochial registry, to be kept for the purpose; that the landlord's assent or dissent should also be registered, that compensation should not be given beyond the landlord's consent, except for improvements of a description such as were necessary, and reasonably suitable to the tenant's wants—this point to be decided upon evidence. He was aware many persons differed from him on this part of the subject, but he was of opinion no landlord should be permitted to impede the tenant in improvement of this description—where an actual increase of real value was proved. In such cases, the compensation to be confined to a certain proportion of this increased value, which should not be exceeded. Under these circumstances it was impossible the original value of the fee could be encroached on. He proposed, also, that a certain number of competent valuators should be appointed in every county by the Magistrates and Cess-payers at Sessions, and that out of the persons so appointed, five valuators or arbitrators should be ballotted for in each case. That all decisions should take place before the assistant-barrister at the quarter sessions. That tenants desiring to claim compensation for improvements heretofore made on leases now in existence, and which should expire at the passing of this Act, might forthwith register the same (within a time to be limited.) No claim admissible except for building or improvements of the last-mentioned description. Claims for compensation to be made in cases of ejectment. An agreement for a new lease, or to continue in possession, to be a full acquittance of all claims. He proposed to add clauses to empower the landlord to claim compensation by the same course of proceedings for any act of the tenant which might deteriorate the value, by exhaustion of the land, improper subdivisions, &c. &c. Also to add a clause enabling owners of estates seized in fee-tail, or for life, to make improvements, and charge the amount, to a limited extent, on the estate, on the principle of the Scotch Act for the relief of the heirs of entail in that country. Also to extend the provisions of the Acts of the 21st and 22d of Geo. 3rd ch. 37th, and 25th of Geo. 3rd ch. 35, which permitted persons holding estates in fee-tail, with remainder to their issue, to grant land for building stores in certain counties in Ireland. He proposed to extend this power to lands for buildings erected on the falls of rivers containing machinery of any description. He would not longer trespass on the attention of the House, and would simply move for leave to bring in a Bill for the improvement of the law of landlord and tenant in Ireland.

Colonel *Conolly* thought, that as this Bill was thrown out last Session, he was perfectly justified even in that stage in giving it his opposition. The Bill of last year proposed an interference between landlord and tenant, which was altogether unprecedented and unjustifiable.

Lord *Morpeth* observed, that the gallant Officer was in error in supposing that the Bill of his hon. Friend had been thrown out last Session. His hon. Friend obtained leave to bring it in, but did not press the measure. He agreed with his hon. Friend in the principle of a measure for placing the landlord and tenant in Ireland on a more just footing; but he also agreed with the gallant Officer that there was much difficulty in the application of a remedy to the evil complained of.—However, as his hon. Friend had last year obtained leave to bring in a Bill on this subject, he was quite willing that the House should now have an opportunity both of discussing the principle of such a measure, and of considering the alterations which his hon. Friend proposed making in the provisions of the Bill of last Session.

Mr. *Shaw* would not, as he was conscious of the laudable industry and perseverance which the hon. Member (Mr. S. Crawford) had displayed in regard to this measure, oppose the introduction of such a Bill, however unwilling he was to promise it his support.

Colonel *Perceval* regarded the measure as a monstrous interference between landlord and tenant; and should it proceed to a second stage, if, for no other reason than that he might gain over to it the opposition of the representatives of those countries, would move its extension to England and Scotland. His knowledge of the condition of Ireland so fully assured him it was calculated to do much mischief, without producing any counteracting advantage, that he did not hesitate to take upon himself the unpopularity of opposing the measure *in limine.*

Mr. *Finn* felt strongly that it would be a great blessing to Ireland to excite a better feeling and better understanding between landlord and tenant, and would willingly support any measure tending to effect that object. He owned he apprehended much difficulty attended the question under consideration, but even though he entertained a fear that the proposed measure was not calculated to meet that difficulty, he did not feel justified in opposing its production.

Mr. *Lefroy* felt assured the Bill could not advance a step beyond the first stage; and with a view of saving the time of the House, he would oppose even its introduction. Should leave be given to bring it in, he confidently expected that the Attorney-General for England, and the Lord Advocate of Scotland, would feel themselves called upon to resist its farther progress.

The *Attorney-General* observed, that when the Bill was brought in he would give it his best consideration, and should he then find it a good measure, he certainly should have no hesitation in proposing its extension to England or Scotland.

Mr. *Poulett Scrope* thought it should be recollected that the poorer classes of Ireland were much worse used than those of England or Scotland, and that there was considerably more necessity for legislation, as regarded them, in the former than in the latter countries. If with no other view than to bring clearly before the House the relative position of landlord and tenant in Ireland, he would support the introduction of the measure.

Mr. *W. S. O'Brien* thought it at all events the duty of the House to receive the Bill, even though, at a subsequent stage, it might be thought necessary to reject or alter it.

Leave given to bring in the Bill.

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HOUSE OF LORDS,

Friday, March 11, 1836.

MINUTES.] Bill. Read a third time:—Slaves Compensation.

Petitions presented. By the Duke of NEWCASTLE, from the Medical Practitioners of Nottingham, for granting Remuneration to Medical Men on attending Coroners' Inquests.—By Lord WHARNCLIFFE and the Bishop of LINCOLN, from several Places,—against Parts of the Ecclesiastical Courts' Bill.—By Lord WHARNCLIFFE, from Thirsk, for Relief to the Agricultural Interest.

ADMINISTRATION OF JUSTICE IN THE WEST INDIES.] Lord *Glenelg* rose to move the second reading of the Bill for the Improvement of the Administration of Justice in the West Indies. The islands comprehended in this measure were all those belonging to the British Crown that lie between Jamaica and Trinidad—being known under the denomination of the Windward, and Leeward, or Caribbee Islands. The questions that naturally arose with respect to the administration of justice in those colonies were—first, whether the colonies required a better system of administration of justice than they now possessed; and secondly, whether the Bill was calculated to give it. With respect to the defects existing in the present system, he might press the necessity of this Bill from the general notoriety of the fact. He would not, however, rest on that general notoriety, as he thought it due to their Lordships to enter into a particular statement. This he should do but briefly; especially as he was aware that, although the subject was one of paramount importance to those it more immediately concerned, yet it was not one of general interest. He believed that no principle was more universally admitted than this, that the existing system in those colonies was defective, and required improvement. The principal defect was that perhaps which arose from a want of qualification of the Judges and jurors by reason of their ignorance of the law, and of their being generally involved, by their local connexions, in the cases that came before them. This great evil might be generally ascribed to the origin of the Courts of Justice in those colonies. The majority of the islands were legislative colonies; Trinidad and St. Lucia being the only two Crown colonies to be affected by the Bill. It seemed to have been thought at the first foundation of those local legislatures, that it was indispensable the judicature of England should be transferred to the colonies; consequently, there are in every one of those islands a Court of King's Bench, a Court of Common Pleas, and Court of Chancery, with corresponding functions to those Courts in England. The transfer however, had been made without much consideration of the different circumstances of the colonies, and in such small communities there was not sufficient foundation in wealth and population to make such a system work well. He would advert shortly to the Courts in those islands, both of criminal and civil jurisdiction. The criminal jurisdiction was affected by means of a commission issued under an Act of the local Assembly by the governor of the island. All the tribunals were constituted in those islands, not by the Crown, but by an Act of the local legislature, sanctioned, of course, by the Crown. The Commission professed to be also a transcript of the practice of this country, by constituting what were called Courts of Oyer and Terminer, and Commissions of gaol delivery; but there was this difference, that in England, the persons inserted in the Commission, consisted of Judges and Counsel learned in the law, whereas the Commissions in the West Indies were composed of persons who had no knowledge of the law, but were Members of the Council and of the Houses of Assembly and Justices of the Peace; consequently, there was no lawyer upon these Commissions. But this was not the only inconvenience—for the Judges thus appointed were necessarily more or less connected with other pursuits. The evil extended itself also to the juries, though constituted like juries in England. In consequence of the great number of persons of the more respectable classes included in the Commission, and made Judges of what was called "The Court of Grand Session," a very small number of persons could be found from whom the Juries could be selected, and the consequence was, the juries were often composed of persons connected with the localities and influenced by the interests of individuals where they acted. When the Court met, there being no lawyer to preside over the proceedings, the Juries became Judges both of the law and the fact, for there was no one to sum up the evidence to them, nor any authority to direct their discretion, so that they had to collect the law as well as the facts from the statement of Counsel. One consequence had been, that the Attorney-General had to a certain extent taken upon himself the functions of a public prosecutor. He framed the indictments and placed the whole case before the Grand Jury; and it very often happened that he summed up the evidence on the trial. The Chief Justice, who was a member of the Commission, took his seat also as a Justice of the Peace. He would not dwell on the inconveniences that flowed from such a system, but would content himself with stating that they were of a nature very detrimental to the administration of justice. In one of these colonies—a case in which some slaves were convicted of murder occurred; but the Bench addressed the Governor on the subject of the evidence, with which they were not satisfied; the matter was referred to this country, and the Law-officers of the Crown here gave it as their opinion, that there was not the shadow of a ground for convicting the parties who had been tried, as the material witness against them had not been put upon his oath! He could not help adverting, for a moment, to what was stated to the Commissioners of Colonial Inquiry on this subject in reporting upon one of these islands; and which would tend to show the opinion of those most qualified to give your Lordships information on this question. The Commissioners said:—

> "The Chief Justice thought he could suggest very great improvements in these Courts. The Courts, at least ought to have one presiding Judge, who has been admitted to the Bar in England. Such a Judge would know the laws, usages, and practice that govern the Criminal Courts in England, and which ought to govern them here. Besides, by altering the Constitution of the Court, and diminishing the number of Judges, many, who now compose it, would be left to serve in the important character of Grand Jurors of the country. Again, the Court ought to sit oftener than it now does; for great inconveniences may occur by offenders either being confined for a long space of time, or put to the necessity of finding sureties for their appearance at a remote period; one of which circumstances amounts to punishment before conviction; and the other, in the case of a stranger, to a grievous hardship."

Without dwelling further on this part of the subject, he would proceed to consider the circumstances attendant upon the civil jurisdiction. It might be proper that he should remind their Lordships, that in the year 1822, a Commission was appointed to examine into the state of the administration of justice in the West Indies; that that Commission was composed of learned and able men who visited the islands in succession; and that after a course of years they made Reports, successively, which were now before Parliament, and it was only justice to those gentlemen to state, that the duty imposed upon them was performed in a manner which reflected on them the highest honour. Without troubling their Lordships with many details, he would take the case of the island of Barbadoes as an example, in which their Lordships would perceive that the Judges were multiplied without necessity, that they were unskilled in the law, and involved in party and local interests. That island contained only 166 square miles, and the population amounted to little more than 100,000 souls; it was divided into five districts, and each district had five Judges. Consequently, there were twenty-five Judges in that little island alone; but among those Judges there was not a single person who was a lawyer, or who was acquainted either with the principles or the operation of the law; and they were all deeply involved in the local politics of the island. If their Lordships assumed this as a fair sample of the other islands, they would at once perceive that there was no part of the world, perhaps, where justice, therefore, could be so easily defeated as in these colonies. So much of their cultivation was carried on by means of money borrowed on mortgage, that every expense incurred operated as a burden on the colonial agriculture, and entered as an ingredient into the best of all their productions. Still the main evil, as regarded the proceedings of these Courts, was that which resulted from the irregularity of their decisions, and the suspicion which necessarily attached to them in the minds of the colonists. It was impossible for the Judges, locally connected as they were with the colonies, not to be involved in all the disputes and animosities which inevitably occurred in these small communities. With the very best intentions, it was not possible for human nature to keep them correct through all these temptations, and prevent that bias of their judgment which their peculiar positions exposed them to. By them, the greatest acts of injustice might be committed, without any consciousness or design on their part. With reference to this branch of the subject, he would read what the Commissioners had stated in one of their Reports relative to the Courts of Common Pleas at Barbadoes; and the same statements would apply to other islands. They observed:—

"Rules in these Courts are unknown, or disregarded, or only perversely and partially applied. Great irregularities are therefore constantly practised, not from bad intention, but from ignorance of law. I feel anxious to be understood as not meaning to impute to the Judges of Barbadoes, or to the Governors, who are sole Chancellors in the other islands, any improper design in a single instance; but I must be permitted to say, that where they feel the greatest anxiety, and use the utmost exertions to do right, not being governed by wise and fixed rules, or adhering to any settled practice, the same in all cases, their very justice is capricious, and they often mistake their course and fall into fatal errors. Without dwelling invidiously on the mistakes and mischiefs of the Courts as at present constituted, or repeating coarse reflections on the deficient attainments of the Judges, it is sufficient to observe, that there existed a general feeling that a presiding lawyer was absolutely necessary in all the Courts. A very considerable party in the colony further required, "not only that the persons to preside in their Courts should have received a regular professional education, but also that they should be strangers to the colony, unconnected with its inhabitants, and unaccustomed to its irregular proceedings."

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"The trifling delays in Court (occasioned by the attorneys doing as they please), and the charges of expense and uncertainty, which are more serious and better founded, all originate in the incurable vice of the system.

"The constitution of the Courts themselves is favourable to the growth of expense, and induces a suspicion of connivance at irregularities. The Judge is paid by fees, for which he is dependent upon attorneys, whose bills it is his duty to tax. Though often estimable and excellent men in private life, the Judges are very unfit for the office. There are twenty-five Judges of the different Courts of Common Pleas, and as many more must be added belonging to the other Courts of the island. None of them have been prepared by previous professional education and habits for the situation they hold. Though very far indeed from being corrupt, they are, technically speaking, ignorant, and therefore incapable of detecting corrupt practices in others. It is the same with irregularities; they are not aware of them, having only a confused and imperfect knowledge of the rules and principles of law."

* * * *

"Five different Chief Judges, presiding in independent jurisdictions, having no necessary communication, variously endowed, engaged in dissimilar occupations, having had no common studies, may, it appears to me, very excusably, establish five different rules of law. In the Court of Chancery, it is still less to be expected that the decisions should be uniform and consistent."

Such a view of the question was confirmed by other writers, particularly by Mr. Innes, a very intelligent gentleman, who visited the West-India Islands, expressly to inquire into the state of society,—the system of government,— and the administration of the laws there. Within the last few years, too, there had been preferred to the Home Government no less than five or six complaints from one of these islands, with respect to unjust decisions pronounced by the Colonial Judges, arising out of their personal or local connexion with the inhabitants; and within the last fifteen years, in consequence of such complaints, no less than ten Judges had been suspended. With respect to another Court—the Court of Error—it was liable to similar objections. It might be compared to the Exchequer Chamber in this country. It was a Court of Appeal, consisting of the Governor and three or four other individuals. It was very true that the Governor might sometimes decide properly by reversing the decisions come to in the Court below, and thus give satisfaction to the parties; still, from ignorance of the law, on the part of those who were charged with its administration, there must arise a want of uniformity in the decisions, and of regularity in the proceedings, which required to be remedied. He could mention a case in which a party, being a suitor in the Court of Chancery, had a cause decided against him by the Governor, on some ground, as was suspected, of personal revenge. The same grounds of objection exist as to the judicial administration of the Court of Chancery on all the islands; and he would read one or two documents, in order to show the prevalence of this feeling among men well qualified to give an opinion on the subject.

"The answer of the Attorney-General to the Commissioners is too manly, sensible, just, and candid, to be either omitted or retrenched.

"The present constitution of this Court (the Governor associated with the Members of Council) is wholly inadequate, in my apprehension, to the due and proper administration of the law. The Governor, who is mostly of the military or naval profession, cannot be expected to be possessed, either of the habits or the knowledge to qualify him for the office of Chancellor. And the Members of Council, being mostly men of extensive connexions and influence in the colony, and not bred to the legal profession, are also, in general, very little qualified to sit in this Court; and I conceive it would be much more advantageous to the suitors, and greater satisfaction would be given, if the Governor would sit alone.

"There have been frequent occasions where the Members have been summoned to form a Court, who, either from sickness or other cause, have not been able to attend; and the party applying to the Court, has thus been put to a fruitless expense of from 15*l.* to 20*l.* currency. This I have known to have happened more than twice in succession; so that a party having a motion to make, may be put to a fruitless expense of from 50*l.* to 60*l.*, or 100*l.*, before he can be heard, because the members are not able to attend; whereas the Governor, sitting alone, would have the power of holding a Court wherever there might be business to be done.

"But the great desideratum—that which would bring gladness and joy—which alone could afford security to the colonists—would be the appointment of a lawyer, of tried knowledge and ability, to fill the important situation of Chancellor. I consider this measure as likely to enhance the value of property at least 15 per cent."

When the same Commissioners were waited upon by a deputation of merchants, after the business was concluded, one of the gentlemen addressing the Commissioners "in the name and on the behalf of the merchants of the colony," stated, "that there was a general wish for a reform in the judicature of the colony, and particularly in the Court of Chancery, and he expressed much satisfaction at the prospect of having a sole Chancellor, a lawyer, unconnected with the island, to sit in that Court. He had, he said, several suits to bring, which he was deterred from instituting by the circumstance of the defendants, in each case, having several powerful friends upon the Bench, who could not help showing favour to their connexions.

Of another of the islands the Commissioners reported:—

"The President informed us, that the Court of Chancery in this island had been several times presented a nuisance; but that, with the exception of one sitting this summer, he thought no business had been transacted in it for seven or eight years. It ought not to be held in the island, for it was impossible, out of so small a society, to get Judges in any case unconnected with the parties.

The Chief Justice said:—

"There was formerly (about fifteen or sixteen years ago) great dissatisfaction with the Court of Chancery in this island, and, he believed, not without reason. He feared there were some unrighteous decisions; certainly there was no uniformity in their judgments; and there was thought to be influence and favour; and whether this were true or not, it was not desirable to have it suspected."

The King's Counsel said:

"There has been no sitting in Chancery since 1815. There was no suit depending lately. Now there is one."

As regarded another of these islands, the Chief Justice observed:

"The decisions of this Court are complained of. I do not know by what rule they are made."

He had other evidence to lay before their Lordships, but he thought he must satisfy them that some improvement was much needed. With respect to the measure itself, he had great satisfaction in stating, that it had received the sanction of many high authorities. He could say so with propriety, for he could lay but little claim to any merit concerning it, except that of introducing it to their Lordships. It was recommended in a Report of the Commissioners in 1826; it was then sanctioned by Lord

Bathurst, and afterwards received the approbation of Lord Eldon, and had since been sanctioned by several succeeding Secretaries of State, and was intended to be introduced by them in successive Sessions of Parliament. But though he was bound to disclaim all the merit of the measure, he must say, that he had introduced it without reference to the authority of others, but upon his own conviction of its utility, and upon his own responsibility. He thought that no measure had yet been suggested that was so likely to accomplish the end desired as the one he was now considering. The principle of the measure was this, that the West India Islands should be divided into two districts, for the purpose of the administration of justice; one of these districts would comprise the Islands of St. Vincent, Grenada, Barbadoes, Tobago, and their dependencies; the other districts would embrace Montserrat, Antigua, St. Christopher, Nevis, Dominica, the Virginian Islands, and their dependencies. Each district should have two Judges, who were to go the Circuits through the islands in their district. These two Judges would be called the Chief Justice and the Senior Puisne Judge. The tribunals on the Circuits would be composed of these two Judges, and the Junior Judge of the Island; it being proposed that in each Island there should be a Resident Junior Judge. The Circuit Courts, therefore, would have three Judges. This plan was justified by the recommendation of the Commissioners, and appeared to be amply sufficient for all the purposes required. The resident Junior Judge would be employed in the intervals of the Circuits in business similar to that which was now transacted by Judges in this country at chambers. The resident Judge would also be Chairman of the Quarter Sessions. He had said, that there were many grievances which required to be remedied, but this Bill applied itself to one only, namely, the qualification of the Judges who were to execute the law. But it did not apply itself to those other evils that would naturally occur to persons acquainted with these Islands. It was a principle of this Bill to confine itself to that evil which, for its removal, required the interposition of Parliament. Whatever grievances could be remedied by the Local Legislatures, it should, in his opinion, in the first instance, be so remedied. Beyond this the principle had not gone. It would rest with the Local Legislatures to take the question into consideration, and if they approved of this measure, it would be for them, at their discretion, to remedy those other existing evils to which he had adverted. He might observe, that one of these was the want of a public prosecutor, which the Colonial Legislature would, he hoped, supply; that was a point left open for consideration. Upon the point of expense, he might observe that the funds employed under the existing system would, he believed, be amply sufficient to defray all the charges of the new one. It was, perhaps, unnecessary for him to observe, that the application of steam navigation, whilst it would greatly facilitate the conveyance of the Judges from island to island, would not greatly increase the expense. The two Circuits of the Windward Islands would not exceed 830 miles, and, consequently, with the aid of steam, would be easily accomplished. Such were the principal points of the Bill he had now the honour of introducing to their Lordships. A very natural inquiry might arise, as to how it happened that a measure so sanctioned, so recommended, and so earnestly desired, as he believed it was, by the Colonies, should have been delayed to this late period. The immediate reply to such an inquiry was, that there were inevitable and insurmountable difficulties to the introduction of such a measure at any time previous to the abolition of slavery. During the existence of slavery, it was impossible that such an experiment could be tried. The very question of slave evidence alone, was enough to alter the whole course of justice. There was another reason for the delay. Till within a few years past, there existed in the Colonies considerable irritation and much suspicion with respect to the intention of the Home Government on the subject of slavery; and any attempt to interfere with the internal legislation of the several islands, was regarded with the utmost jealousy. Whilst this state of things continued, the experiment could not be tried with any hope of success. But as the chief impediment in the way of improvement was now removed, his Majesty's Government deemed it the proper time to come forward with the measure which he now most earnestly recommended to their Lordships' adoption. It would have the effect, he believed, of introducing a better administration of justice, of removing the Judges from all suspicion of local partialities and animosities, and of securing the administration of the law upon sound, solid, and good principles: it would give protection to property, raise the credit of the Colonies, and, above all, give to our coloured fellow-subjects a confidence of security and protection under the same laws that guarded the rights and property of the whites. The noble Lord concluded by moving the second reading of the Bill.

The Earl of *Ripon* entirely concurred with his noble Friend, thinking that the circumstances in which the West-India Islands were placed with respect to the administration of justice, were such as to deprive the Courts of Law of all confidence and respect; and, therefore, it was absolutely necessary that some efficient and fundamental alteration should be made to give to the inhabitants of those islands a pure and unsuspected administration of justice. He agreed with his noble Friend, also, in the mode by which he proposed to effect the remedy. His noble Friend had very fairly stated the nature of the difficulties which had prevented his predecessors from bringing forward a measure of this description. It was not that their attention was not drawn to the subject; not that they were not fully impressed with the truth of the representations that were made, and the inferences that were drawn after Lord Bathurst sent out the Commissioners; it was not that they were insensible to the pressure and urgency of the case, but they felt, that as long as the question of slavery remained unsettled, it would be utterly impossible, in the midst of the excitement and agitation which prevailed upon that subject, to effect any change of this description, unless they attempted to do so by the maintenance of a principle which this Bill excluded, and which they were not prepared to support, namely, the principle of forcing the Colonies to comply with the wishes of Parliament, without obtaining their own legislative assent. When the settlement of the Slave Question was effected by Parliament, he felt that the time had arrived when the work of improving the administration of justice in the Colonies might be safely undertaken; and he understood from his noble Friend (Aberdeen) near him, that he was prepared with a measure upon the subject, embracing all the details of the measure now brought forward by his noble Friend opposite, and which he would have introduced to the consideration of the Legislature, if he had continued to hold the seals of office. He would close his observations upon the measure before their Lordships, by simply stating that it met with his entire and hearty concurrence. There were, however, one or two remarks which he wished to offer, and which he thought would be found worthy the attention of his noble Friend, first as to the remuneration of the Judges. He was sure his noble Friend knew how difficult it was to obtain from the English bar gentlemen who were competent to fill the situation of colonial Judges. This difficulty he thought would be increased, unless some provision were made to secure to the Judge in the West Indies a certain and definite income. As the Bill now stood, a Judge, on arriving in the Colony, might find that he had no income, and for this he would have no redress whatever, except an appeal to Parliament in this country, which, for aught he (Lord Ripon) knew, might not be disposed to listen to his claim. It appeared to him to be of the utmost importance that steps should be taken to secure to the gentlemen who went out as Judges, a certain and adequate remuneration. The next point to which he wished to refer was with respect to the islands of Trinidad and St. Lucia. The noble Lord had stated that the Bill contained a clause which would enable his Majesty, at any time, to include those islands in one of the two circuits which it was proposed to establish. He thought that this would not be advisable until after the experiment had been tried in the other islands, because the great dissimilarity which existed between the English law and the old Spanish law which prevailed in Trinidad, and the old French law which continued in St. Lucia, might lead to much inconvenience, if the change were suddenly applied. If the inhabitants of these two islands, after witnessing the operation of the English law in the other islands, should express a desire to have the same law extended to themselves, it would then, probably, be time enough to include them in the circuit. The noble Earl concluded by repeating his approbation of the measure, which would confer upon those distant possessions the greatest of all blessings—an easy, safe, and just administration of the law.

Lord *Glenelg* thanked the noble Earl for the manner in which he had expressed his approbation of the measure; and promised him that the observations he had thrown out should receive his best attention. He felt bound in justice to repeat, that no merit attached to him for the introduction of this measure; because it had, in fact, been prepared, and was intended to have been introduced, by his predecessors in office; who had only been prevented from doing so by the insurmountable difficulties to which he had before alluded, and also by the rapid change of secretaries in the Colonial Department. He knew that his noble Friend (the Earl of Ripon) opposite, his right hon. Friend the present Chancellor of the Exchequer, and Lord Stanley, had the fullest intention of bringing forward a measure of this description; but the short time they remained at the head of the Colonial Department prevented the executing their intention. He, therefore, claimed no merit whatever for the introduction of the measure.

The Bill was read a second time—to be committed.—Adjourned.

HOUSE OF COMMONS,

Friday, March 11, 1836.

Minutes.] Bill. Read a second time:—Durham and Sadberge Court of Pleas Bill.—Read a third time:—Stafford Borough Disfranchisement.

Metropolitan Railways.] Mr. *Clay* presented Petitions from the inhabitants of Spitalfields and Bethnal-green against the Eastern Counties (London and Norwich) Railway; from the East London Waterworks Company, and from the inhabitants of the parishes of St. George and St. Mary, Whitechapel, and Goodman's-fields, against the London and Blackwall Commercial Railway; and from the inhabitants of Whitechapel and Bromley, and the East London Waterworks Company, against the London and Blackwall Railway. The hon. Member said, that in presenting these petitions to the House, he was anxious to call its attention to, in his opinion, the very important principle involved in the subject to which they referred. Indeed, so important was the question to the metropolis, that he had intended to move that a Select Committee be appointed for the purpose of considering the principle involved in the Railroads to which the petitions referred; but, on consulting with his colleagues, the other Members for the Metropolitan Districts, and with his Majesty's Ministers, he found that it was their opinion that no other general principle or regulation could with fairness or propriety be applied to the bills of parties before the House than such as had been recommended by the Select Committee that had already reported. The principle set forth in the various petitions he had just presented, and their prayer, all tended to this—that these Railroads should not be allowed to come into the heart of the Metropolis, it being neither necessary nor useful, in the opinion of the petitioners, that they should be brought there. Now, the two competing lines, the Blackwall and the Commercial Blackwall, both terminated in the heart of the Metropolis, and the Eastern Counties, was also brought into the City. Hon. Members had only to suppose a sufficient number of Railroads brought there, to picture to themselves the complete destruction of the east end of London, and the ruin of the inhabitants of a most densely-crowded neighbourhood. The principle involved in this matter was totally distinct from the general utility and expediency of Railways. However important and useful as means for commercial intercourse, surely there was no necessity for carrying them into the heart of a great city. The principle upon which the petitions proceeded was that those Railroads coming from different parts of England to London should have their termini outside the most crowded part of the City. In proof that the apprehensions of the petitioners were not unfounded, he would first state to the House the result to be expected from those Roads, for which Bills were already before the House, and which were proposed to come into the most crowded part of London. He would confine himself to the Borough which he represented, and he would refer only to the destruction of property which was to be expected from those Roads within three miles of the Royal Exchange. The result was this—that for the Railroads which came through the Tower Hamlets to London, there had been in the eastern districts of the City, within three miles of the Royal Exchange, no less than 5,935 houses scheduled to be taken down, and thus, giving five inhabitants to each house, about 30,000 inhabitants would be turned out of their dwellings. It might be said that they would receive compensation, but that was impossible, as far as the great majority of them were concerned. How could they be compensated for being turned out of their residences in some of the most crowded streets and thoroughfares in the metropolis, where they had carried on their business and respective trades for years, having acquired a goodwill chich might never be regained? In fact, in the great majority of these cases ruin would attach to the parties so turned out. It was true that compensation could be given to the owners of houses which would be taken down, but great injury would be inflicted on the inhabitants of those houses for which no compensation could be given them. The Eastern Counties' Railway, for instance, and the Blackwall Commercial Railway would destroy those great thoroughfares for trade and traffic, Whitechapel, Mile End, and the Commercial-road, which were now so prosperous. It was a mockery to tell the inhabitants residing in those thoroughfares that they might oppose those Bills before the private Committees of the House. How was it possible for the inhabitants of those parishes to get funds to oppose those Bills? On the other hand, there was no lack of funds on the part of the promoters of such Bills, owing to the deposits paid on the shares, which parties purchased at present as they would tickets in a lottery. The fact was, that the public mind was, just now in a morbid state of excitement on the subject of these Railways. It appeared from the Report of the Select Committee that there were fifty-seven Railways actually before the House, or in contemplation, involving an outlay of upwards of 28,000,000*l.*, and he found, that there were fifty-one Private Bills, for Roads, Bridges, Water-works, &c., before the House also, which, added to the Railways, made the estimated outlay for these various undertakings amount to no less than 33,500,000*l.* This state of things resembled rather too much the terrible year 1825. He thought, that when the public mind was in such an unwholesome state, it was the duty of every hon. Member to call the attention of the House to the fact.

Mr. *Grote* expressed his perfect concurrence in what had fallen from his hon. Friend with regard to the introduction of these Railways into the eastern end of the Metropolis. He was most anxious that the House should understand that a strong feeling of alarm and repugnance existed in that part of the City with regard to these Railroads. He held in his hand four or five petitions from those districts against them. The Blackwall Railway, and the Blackwall Commercial Railway, would, if carried into effect, completely depopulate Whitechapel and St. Botolph, Bishopsgate; and this was to be done for the purpose merely of conveying passengers at a somewhat cheaper rate than they were carried at present; for as to the saving of time that would be thereby effected in the carriage of merchandise, it was so trifling as not to be worthy of consideration. Was the object he had mentioned one worth gaining at the expense of depopulating whole districts?

Mr. *Hume* said, that he had been waited on by several deputations from the districts in question, to say, that if the projected Railways were allowed to be brought into the heart of the City, they would be attended with almost utter ruin to them. He had hoped that the Government had taken up the subject, and that something satisfactory would be done for all the parties interested, but particularly for those complaining. He had advised his hon. Friend (Mr. Clay) to wait on the Ministry, and to state to them the hardships and grievances of this peculiar case, as one calling for an immediate remedy. He was asked why the parties about to be injured did not oppose the measure; but where were the funds? The people who would suffer by this infraction had not means to oppose the joint-stock fund of the wealthy individuals who were associated for carrying these projects into operation. The subject must be brought in a specific form before the House, otherwise the consequences must be ruinous. He was a friend of Railways, as he was to all *bonâ fide* improvements; but he thought the petitioners had made out an excellent case, and one deserving of earnest attention.

The *Speaker* begged, to observe that hon. Members were now indulging in a very inconvenient practice—that of entering into lengthened details on the presentation of petitions. Whatever objections there might be entertained to the introduction of Railways into London, should be reserved for the Committee, and there urged.

The petitions laid on the Table.

DUBLIN STEAM NAVIGATION COMPANY.] On the Motion that this Bill be read a second time. Mr. *George Frederick Young* opposed the Motion. The Bill went to give power to a Company that had already too much. The Bill it was stated, would produce the effect of reducing the freights of vessels in the ports that the Company's vessels plied to, but he thought it very unfair that this Steam Company was to have all the advantages of increased power and monopoly, while their rivals would be prevented entering into fair competition, and freights would be lowered without any compensation to their injured opponents. He moved that the Bill be read a second time that day six months.

Mr. *Wilks* could not sanction innovation and monopoly as this Company proposed. It started with a small capital, which it got leave to increase to 200,000*l.* and they now not only came to seek an increase of capital, but for leave to sue and be sued under a common seal, and to make contracts with the Post-office as a Corporate Company for the conveyance of the mails. The hon. Member in conclusion stated that he seconded the amendment.

Mr. *O'Connell* did not think the incorporation should be acceded to unless it should be found useful, and if it was so he did not see why the Bill should be resisted. Two English companies were established, the first in 1813, called the British and Colonial, and another, the General Steam Company of London, in 1834. But the present company was an Irish one, which perhaps might be the ground of objection. The reason why this Act of incorporation was rendered necessary was to protect the individuals composing it from penalties that might arise under the Anonymous Partnership Act. It was very well known that in a short time Government would give up having packets of their own, because this company could carry the mails for one-half of the expense. Many Members of Parliament, himself among the rest, were members of this Company, every one of whom would forfeit a very large sum of money, besides their seat in that House, if this Company contracted with the Government for carrying the mails. The Company were ready to give up the clauses relative to carriage by land. Those points were for the Committee.

Mr. *Robinson* would like to know from the President of the Board of Trade whether he thought the Bill ought to pass? if so he would vote for the second reading.

Mr. *P. Thomson* said, there were provisions in the Bill to which he should most seriously object—those were the privilege of land carriage, and the power to borrow money on mortgage; but he did not object to their claims to sue and be sued by their secretary, or to their being incorporated. He should vote for the second reading and if those alterations were not made in Committee he should vote against the third reading.

Mr. *Wallace* should vote against the second reading of the Bill. It was upon the principle no monopoly ought to be sanctioned by the House that he opposed the second reading. There was at present a small private company on the Clyde, whose vessels were going at the rate of twelve miles an hour to and from Liverpool, and they wanted no Act of incorporation to enable them to do this, which he believed was unprecedented.

Sir *H. Parnell* supported the Bill, as one in which his constituents were deeply interested.

Colonel *Perceval* trusted the House would allow the Bill to be read a second time, as the right hon. Gentleman, the President of the Board of Trade, had acquiesced in its going to Committee, with a view to the removal of any clauses that might appear objectionable.

Mr. *M. Stewart* thought this Bill gave very great privileges to this particular Company, and unless these were made general, it would be impossible for any other Company to compete with it. If, however, the objectionable clauses were to be struck out in Committee, he would not oppose the second reading. But it would only be on the distinct understanding that the only additional powers to be given to this Committee were, that partners being Members of Parliament should not hinder the Company from forming contracts for the conveyance of the mails. This Company had first obtained leave to raise a capital of 25,000*l.*, then were empowered to raise 200,000*l.*, and now he should certainly oppose their request to advance it to half a million.

Mr. *Gillon* thought that a very unjust monopoly was intended to be established by this Bill. It was proposed to add large additional powers to those which had been formerly given. There was no asking how far this system of legislation should be carried. If the friends of the Company persevered in having the Bill read, he certainly should divide the House on that question, as he felt the non-liability clause was most injurious to the fair individual trader.

Lord *Morpeth* said, it was well known that the Company had performed very great and signal services to Ireland, and this he thought a sufficient reason to extend to them an opportunity for future exertions. Any clauses that were objectionable might be altered or removed in Committee. On these grounds he asked the House to consent to the second reading.

The House divided on the second reading:—Ayes 163; Noes 59; Majority 104.

List of the AYES.

Aglionby, H.
Ainsworth, P.
Bagshaw, J.
Bailey, J.
Baldwin, H.
Baring, F.
Barnard, E.
Barneby, J.
Barry, G. S.
Beckett, Sir J.
Bennett, J.
Bentinck, Lord G.
Bernal, R.
Biddulph, R.
Blackburne, J.
Blake, M. J.
Blamire, W.
Bodkin, J.
Bowes, J.
Bradshaw, J.
Brady, D.
Bridgeman, H.
Brodie, W.
Brotherton, J.
Browne, Rt. Hon. D.
Bruen, H.
Buckingham, J.
Buller, Sir J.
Butler, Hon. P.
Byng, G. S.
Canning, Sir S.
Chichester, J.
Clive, E.
Cole, A.
Collier, J.
Conolly, E.
Crawford, W. S.
Crawford, W.
Dalbiac, Sir C.
Damer, Hon. G.
Divett, E.
Duncombe, T.
Eastnor, Lord
Ebrington, Lord
Elphinstone, H.
Evans, G.
Ewart, W.
Feilden, W.
Ferguson, Sir R.
Finn, W.
Fitzgibbon, Hon. R.
Fitzsimon, C.
French, T.
Goulburn, H.
Graham, Sir J.
Grattan, J.
Grote, G.
Gully, J.
Hardinge Sir H.
Hardy, J.
Harland, W. C.
Harvey, D. W.
Hawes, B.
Heathcoat, J.
Herries, Rt. Hon. J.
Hindley, C.
Hogg, J.
Horsman
Howard, E.
Howard, P.
Hoy, J.
Humphery, J.
Jephson, C.
Jones, T.
Kirk, P.
Knight, G.
Lambton, H.
Lawson, A.
Leader, J.
Lefroy, T.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lister, E.
Loch, J.
Lushington, C.
Mackenzie, J.
Mackinnon, W.
M'Leod, R.
M'Taggart, J.
Maher, J.
Mahon, Lord
Mangles, J.
Marsland, H.
Martin, J.
Martin, T.
Methuen, P.
Meynell, H.
Molesworth, Sir W.
Morpeth, Lord
Musgrave, Sir R.
O'Brien, W.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R.
O'Loghlin, M.
Ord, W.
Paget, J.
Palmer, R.
Parrott, J.
Patten, J.
Pattison, J.
Pease, J.
Peel, Sir R.
Peel, W.
Potter, R.
Powell, W.
Poyntz, W.
Rice, S.
Ridley, Sir M.
Robinson, G.
Roche, Wm.
Roebuck, J.
Rolfe, Sir Robert
Rundle, J.
Russell, Lord J.
Sandon, Lord
Sanford, E.
Scholefield J.
Scott, J.
Shaw, Rt. Hon. F.
Sheil, R.
Sinclair, Sir George
Smith, V.
Smith, B.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stanley, E.
Steuart, R.
Strickland, Sir G.
Talbot, J.
Thomson, P.
Thompson, T. B.
Thornley, T.
Tooke, W.
Troubridge, Sir T.
Turner, W.
Tynte, C.
Verner, Colonel
Vesey, Hon. T.
Villiers, C.
Vivian, C.
Wakley, T.
Warburton, H.
Ward, H.
Wilmot, Sir John
Winnington, H.
Wrottesley, Sir J.
Wynn, Williams
Wyse, T.

TELLERS.

O'Connell
Perceval, Colonel

List of the NOES.

Agnew, Sir A.
Angerstein, J.
Arbuthnot, Hon. H.
Blackstone, W.
Bowring, J.
Burrell, Sir C.
Callaghan, D.
Campbell, Sir J.
Chalmers, B.
Chandos, Lord
Chapman, A.
Chetwynd, W.
Chisholm, A.
Clerk, Sir George
Colborne, Ridley
Darlington, Lord
Duffield, T.
Dunbar, G.
Entwisle, J.
Fergus, J.
Ferguson, R.
Forbes, W.
Forester, Hon. G.
Fremantle, Sir T.
Gaskell, J. Milnes
Gordon, W.
Hay, Sir J.
Hay, Sir A.
Henniker, Lord
Hope, J.
Hume, J.
Irton, T.
Kearsley, H.
Long, W.
Lowther, J. H.
Manners Lord C.
Miles, P.
Mosley, Sir O.
Murray, Rt. Hon. A.
Oswald, J.
Parker, M.
Parnell, Sir H.
Price, R.
Pringle, A.
Pryme, G.
Rae, Sir W.
Sheppard, T.
Somerset, Lord E.
Stewart, Sir M.
Stewart, P.

Tennent, J.
Trevor, A.
Tulk, C.
Vere, Sir C.
Vyvyan, Sir R.
Wallace, R.
Wason, R.
Wilbraham, R.
Wilks, J.

TELLERS.

Young, G. F.
Gillon, W. D.

CARLOW ELECTION.—MR. O'CONNELL AND MR. RAPHAEL.] Mr. *Ridley Colborne* brought up the Report of the Committee appointed to inquire into the circumstances of the traffic and agreement alleged to have taken place between Daniel O'Connell and Alexander Raphael, Esquires, touching the nomination and return of the said Alexander Raphael, as one of the Representatives in Parliament for the county of Carlow, at the last election for that County, and the application of the monies said to have been received, and the circumstances under which the same were received and expended. The Report was read by the Clerk, as follows:—

"It appears to your Committee, that the subject may be arranged under two heads, the first as relating to any traffic or agreement between Mr. Raphael and Mr. O'Connell, for a seat in Parliament, and the second as to the application of the sum said to have been given.

"It does not appear to your Committee to be necessary for them to enter upon any detailed summary of the evidence, but they feel it their duty to draw the attention of the House very briefly to the main points as they bear upon the question.

"It appears that Mr. O'Connell addressed a letter, bearing date 1st of June, 1835, in which the agreement for Mr. Raphael's return for the county of Carlow for 2,000*l.* was concluded; the Committee cannot help observing, that the whole tone and tenor of this letter was calculated to excite much suspicion and grave animadversion; but they must add that upon a very careful investigation, it appeared that previous conferences and communications had taken place between Mr. Raphael, Mr. Vigors, and other persons connected with the county of Carlow, and that Mr. O'Connell was acting on this occasion at the express direction of Mr. Raphael, and was the only medium between Mr. Raphael and Mr. Vigors and the Political Club at Carlow.

"It appears that the money was placed to Mr. O'Connell's general account at his banker's in London. It was, however, advanced, the moment it was called for, to Mr. Vigors; and though some of it was paid in bills, the discount was allowed; the amount, therefore, was available whenever wanted, and no charge of pecuniary interest can be attached to Mr. O'Connell.

"It appears also, that this money has been expended under the immediate direction of Mr. Vigors, and others connected with the county of Carlow, in what may be called legal expenses, or so unavoidable, that your Committee see no reason to question their legality; and that the balance was absorbed in defending the return of Mr. Raphael and Mr. Vigors before the Committee appointed to investigate on the 28th July, 1835."

The Report having been read

Mr. *Ridley Colborne* begged to state to the House that the Report which had just been read was the unanimous Report of the Committee. That there was no compromise of opinion, no difference of feeling, amongst its members upon this very delicate subject. He felt anxious to state this, because he thought it right that the country should know what this Report tended to prove—that eleven gentlemen, Members of that House, differing widely in political sentiments, could meet in one room, and, without the slightest hesitation, lay aside all party feeling. It was his belief, that if the country at large read the evidence with the same proper feeling that had guided the Committee, they would come to the same conclusion. He moved that the Report be printed.—Ordered.

SUPPLY—(ARMY ESTIMATES.)] The House resolved itself into a Committee of Supply.

Viscount *Howick* said, that in moving the Estimates for the army services for the present year, he felt it necessary for him to detain the House but a very short time, while he stated what propositions he had to make for the support of the force which the Government considered necessary to be kept on foot. The Estimates were precisely the same as those submitted to the House last year, and the amount of expense to be incurred was unaltered. When he said this, he must mention what some hon. Members were aware of, that three companies of mounted riflemen, and two provisional battalions of infantry, had been raised, for the temporary service of his Majesty at the Cape of Good Hope, and the charge for these troops was not included, since under the circumstances, he had considered it better, instead of adding the charge for the maintenance of this force to the regular Estimates of the year, the force being raised for a temporary purpose, to make a supplimentary Estimate for that charge. He did not think it necessary to make any statement at that moment explanatory of the reasons which had induced his Majesty's Government to recommend to the House the continuance of this force; for, as the hon. Member for Middlesex had given notice of a motion for reducing the army by 5,000 men, he should be ready, when that motion was made, to state the reasons. The only things to which he had at present to call the attention of the House were seemingly trifling. There was a small increase in the number of officers. The officers of the Royal African Corps were not sufficiently numerous to carry on the service on which they were employed, for such were the casualties and accidents to which the officers of that corps were peculiarly subjected, that it was absolutely necessary to make a small increase in the number of its officers. It was also found necessary to increase the number of officers in the 1st. West-India Regiment, and in the number of men in the 1st. and 2d. West-India Regiments. Another point was the reduction of the establishment at the War-office. When he came into office he found the right hon. Gentleman opposite had thought it his duty to propose a reduction, and when he came to consider the subject, he fully concurred in the view taken by the right hon. Gentleman. He had effected this reduction, and the House would find that the whole number of clerks in the office was, in 1832, sixty-four, while now there were but fifty-one; and by this a saving had been effected of 4,810*l.* He had before him a return which showed the whole number of clerks employed in, and the expenses of, the War-office, in the several years from 1815 down to 1832, and which also showed those clerks who are now engaged in other offices, and particularly from the Account-office in Ireland, and who were there engaged in the management of business, since wholly transferred to the War-office. From that return it appeared, that in the year 1815 the total number of clerks employed in the military department was 254, of whom 170 were engaged in the War-office alone. The whole were at a charge to the country of 71,245*l.* In 1820 the whole number was reduced to 171, of whom in the War-office were 133, and the total charge was about 53,000*l.* Without troubling the House with a detail of the reductions in subsequent years, he would only state that in February last the whole number of persons employed in transacting the duties of this department, which twenty years ago occupied 215 persons, was only fifty-one, and the charge of the expenses of the War-office alone was reduced from 71,245*l.* to 27,603*l.* In making this statement, of course he did not claim the least credit to himself; but it was necessary that he should mention the reduction which had taken place, as he should by and by have to ask the Committee to grant the superannuation allowances to those who had now retired from the War-office, and to which those gentlemen were entitled for the zeal and ability they had displayed in the management of the business intrusted to their care. As to the Estimates which related to the non-effective service, he had only to report, that a gradual reduction, which might have been hoped for by the prolongation of peace, had occurred. The Committee would remember that last year he had obtained a vote of 7,600*l.* for the purpose of affording an increase of pay to general officers receiving emoluments less than 400*l.* per annum. That expense had been covered by casualties which had taken place, and the present Estimates had in this respect been brought to their former state. Now, the general result of the present estimates was, that there was a diminution (erroneously stated in the Estimates at 96,536*l.*) in reality of 93,012*l.* He must mention that an alteration had been effected this year in the mode of dealing with the extraordinary Estimates, with regard to which his right hon. Friend, now the President of the Board of Control, had, at the time he filled the office of Secretary-at-War, entered into a correspondence with the Treasury. No arrangement was, however, come to until the spring of last year, when a minute passed the Treasury Board, directing that a separation should, as far as was practicable, be made in these branches of the Estimates. Hitherto several of the services, strictly of an ordinary nature, and forming part of the regular expenses of the army, had been entirely defrayed out of the army extraordinaries. Of these he might mention, the expenses of provisions, &c., for troops serving in the colonies formed part. This expense was a charge capable of being previously estimated, and it had therefore been brought forward this year as a part of the ordinary Army Estimates, though the account could not be stated as correctly as he had wished, because these costs had formerly been defrayed, partly by the Commissary department, and partly out of the Navy Estimates. Under such circumstances it was impossible to state correctly the amount required; and all that at present could be done was to take a vote for a sum on account for this branch of the service. In another year the vote would be capable of being reduced to a strict matter of account. In the same manner there had been transferred to the present Estimates the pay of military labourers 7,500*l.*, and the pensions of discharged negro soldiers, making a total of 173,088*l.*, which would account for the increase of the sum to be voted this year over the vote passed last year, though there was, in reality, a diminution of 93,012*l.* The Committee would also perceive that the old system of the division of the English and Irish army pay establishments had been done away with, and as no division of the accounts was made, the fullest information was afforded. These were the only circumstances that in the first instance it was necessary he should state to the Committee. So far as any explanation might be required in the further progress of the discussion, he should be happy to afford it. In the mean time, he should content himself by moving that the number of land forces (excepting India) be 81,319 men.

Mr. *Hume* said, that the noble Lord who had just sat down had taken it for granted, that whatever had been voted last year was to be voted on the present occasion, without any information being afforded as to the necessity of the maintenance of so large a military establishment as had been proposed. He regretted to see so little interest manifested by hon. Members (as was shown by the present state of the House) when they were called on to vote away the public money. He contended, that one of the principal vices of the Government of this country was the extent of its military establishment, by which a military spirit, not existing during the war, was encouraged, and everything was now done by a military force, instead of relying upon the civil power, which ought to be the case in times of peace. He wanted to know upon what grounds a liberal Government should keep up a military establishment, exceeding by 10,000 or 12,000 men, that maintained by extravagant Tory Governments. He had looked to former Estimates, and he found the following to be the state of the military force during the existence of Tory administrations:—In 1822, the number of men voted was 68,800 men; in 1823, 69,000 men; in 1824, 73,000 men; and in 1825, a year declared by the then Chancellor of the Exchequer (now Lord Ripon) to have been so prosperous that he had not language to describe it, the military establishment was raised to 86,000 men. In 1828 the number of men voted was 90,000, and in 1829 the number was reduced to 89,000 men, and in about that state it had been left for the last four years. Now, he would appeal to the present Liberal Reform Ministers, who had always on the other side of the House advocated a reduction of the expenditure of the country, whether there really existed any grounds of justification for the maintenance of so large a military force? Where, he begged to ask, was the necessity for keeping so large a military force in Ireland? He had voted for the grant of the million of money to the sinecure church of that country, in the hope that peace might be established, and that consequently a military force would not be necessary there, and in the end a saving would be effected. He regretted, however, to say, that he saw no disposition on the part of the Government to do this—the million had been paid, and the military force still remained the same, though it had been stated by the noble Lord the Secretary for Ireland, the other night, that that country was never in a greater state of peace and tranquillity. That statement was uncontradicted at the time it was made, and he took it for granted to be correct. Under such circumstances he begged to ask his Majesty's Ministers why they were not prepared to reduce the number of troops in that country? Why was it necessary to keep up there a military establishment of between 23,000 and 24,000 men, when, according to these statements of peace and tranquillity, the civil and constabulary force, amounting to about 5,000 men, ought to be sufficient for all purposes? The navy had been increased by 5,000 men, and he submitted to the noble Lord that the Government was now in a condition to make a considerable reduction in the military force of the country. It was said that military strength was required in the colonies. He had looked over the list, however, and he could find no one instance except the Cape of Good Hope, of any disturbances having taken place. It was in vain to think of a reduction in the expenditure of the country until there was first made a reduction in the establishments, and with these views he should move as an amendment upon the motion of the noble Lord, that the number proposed be reduced by 5,000 men.

Sir *Stratford Canning* thought the reduction proposed would not be consistent with the efficiency of the public service. His object, however, in rising, was to call the attention of the noble Lord the Secretary for the Home Department, to a subject of great importance. He had intended to take that opportunity of entering into some statements with regard to our foreign relations, but as he understood that it would be more convenient to bring the subject forward at some future opportunity, he gave notice that he would, on the first day that the House went into a Committee of Supply, call the attention of the House to the subject.

Captain *Boldero* could not agree with the hon. Member for Middlesex to vote for a reduction of the army. If ever some increase of the military force was necessary it was at the present time. Look at the state of Russia. Look at France, with an army of 360,000 men. If the hon. Member had proposed to reduce the expenditure instead of the men, he would have agreed with him, because the expenditure for the colonies was extremely heavy, and many of the colonies were able to contribute to the support of the troops. He would begin with Gibraltar, which, as the population was small, could not contribute much; but the place was impregnable, and he, therefore, could see no necessity for keeping a force there which cost us from 120,000*l.* to 200,000*l.* a-year. Malta was equally strong, and had never been taken but through treachery. The total revenue of that country was 105,000*l.*; 61,000*l.* of which was expended on the maintenance of civil establishments; but a portion of it he thought should be set apart for the payment of the military, for which Great Britain had to contribute nearly 100,000*l.* a-year. The revenue of the Ionian Islands in 1834 was nearly 200,000*l.* and of that 40,000*l.* was contributed for the payment of the troops, while Great Britain had to add to that 80,000*l.* a-year. Not one-fourth of the revenues of Canada and Halifax was applied to the support of the military. At the proper time he would have some observations to make on the military college, which was set down in the estimates at 17,000*l.* The civil establishment of Chelsea cost 28,000*l.*, while the military, consisting of 529 pensioners, cost only 16,000*l.* He wished to know whether there was any intention of forming the pensioners into veteran battalions?

Dr. *Bowring* hoped, when the colonial system came under consideration, that the House would have the valuable assistance of the hon. and gallant Gentleman who had just spoken. But he could not say that the hon. Member had made out a case against the proposition of his hon. Friend, the Member for Middlesex. The increase of the French army was, in his opinion, one reason why we might more safely diminish ours; because, any addition to the strength of our allies was, in reality, an addition to our own. The friendly understanding between the two countries was now established on a basis not likely soon to be broken; and the present being a time of peace, furnished the best opportunity for accomplishing the most effective reforms in our military, as well as in our other establishments. There was one circumstance connected with the army of France, from which we might derive a useful hint. It was not a little curious, notwithstanding cloth for soldiers' clothing was much cheaper in this country than it is in France, that the army of France should cost only 24*s*, each man, on the average, while that of England cost 47*s*. each: the cause of this inordinate difference in the expense of clothing ought to be immediately ascertained and corrected. There was an item in the estimates, called "agency," not to be found in those of foreign countries. But the War-Office might undertake its own concerns, without calling upon the public to pay 4,857*l.* from year to year, for the transaction of certain business between it and the different departments of the army. Whilst making these objections, he could not help expressing his satisfaction at the improved and more intelligible manner in which the army estimates were this year laid before the House. A strong case, however, for the reduction of 5,000 men had been made out by his hon. Friend, the Member for Middlesex. The army might safely be diminished to that amount, and by such reduction England would afford a testimony to the world, that she really confided in the permanency of that peace, which subsisted between this nation and the Continental Powers; and no stronger evidence could be furnished of his confidence than by consenting to the Motion now before the House.

Colonel *Perceval* must contradict the statement of the hon. Member for Middlesex, that Ireland was in a tranquil state. He distinctly denied it. On the very same night, on which it was stated by a noble Lord in another place, that Ireland was tranquil, there were on the county of Tipperary calendar fifty-nine cases of murder fifteen of firing at with intent to murder, together with the usual proportion of riots, robberies, rapes, and burglaries. This county was said, however, to be remarkable for tranquillity. Recently, however, it was proposed by some individuals that a meeting should be convened for the purpose of addressing the Lord Lieutenant. The gentlemen of the county did not think it worth while to notice it, and when asked the reason, requested that those who wished to congratulate the Lord Lieutenant on the peace of the county, would attend the petty sessions, and they would see that the state of things was very different. In fact, Ireland was never in so disturbed a state since 1798 as it was now. Let any person go through the Queen's County, the King's County, and the county of Carlow, and he would see how groundless was the assertion of the Member for Middlesex.

Captain *Dunlop* did not think circumstances would admit of the proposed reduction. Formerly English regiments were left in the colonies for ten years.—Now the term of service there was only five. The Committee which sat upon the subject of the colonies did not recommend a reduction of men, but of the term of service. The regiments serving in the East Indies were not relieved for twenty years. For these reasons alone he should think it unadvisable to make any reduction.

Mr. *Finn*, in consequence of what the hon. and gallant Member for Sligo (Col. Perceval) had said as to the state of Ireland, must deny that Carlow and Queen's County were so disturbed as he had represented, notwithstanding the state of poverty into which the inhabitants had been plunged.

Major *Beauclerk* agreed with the right hon. Member for Middlesex, that there ought to be reduction in the military force, but thought that the reduction might more advantageously be made in the cavalry than in the infantry.

Sir *Charles Dalbiac* was glad to find that the hon. Member for Middlesex had become more moderate in his propositions to reduce. He had come down from a proposition last year to save one million by doing away with the troops in Ireland, to his present proposition, which could not effect a saving of more than 150,000*l.*—He was opposed to the reduction, for he thought that if this country desired to maintain her dignity at home and abroad, a sufficient military force must be kept up.

Viscount *Howick* observed, that the hon. Member for Middlesex had charged the Government with showing no reasons for not reducing the army, but the hon. Member himself had shown no reasons for the reduction, or, at all events, the only reason he did show was of a most extraordinary character, namely, that we should reduce the army because we had increased the navy. With respect to some of the observations which had fallen from the hon. Member, he wished to say one word for himself. He had sat with the hon. Member on that side as well as on the other side of the House, and he doubted much, if the hon. Member could find his name in any one division that ever took place for the reduction of the army, because he had felt satisfied that the severity of the colonial service was so great that it was actually impossible to reduce the army. In all the colonies in the year 1792, a year the hon. Member was so fond of referring to, the number of our rank and file was 15,100; at present they amounted to 16,687; being an apparent increase of 1,600. At that period, in New South Wales, the number of soldiers was 420, while now there was 1,970. The occupied portion of New South Wales was as large as Ireland, and, filled, as it were, with the most desperate characters from this country, it absolutely was necessary to enlarge the forces to their present amount. If they were to expect any reduction in the army, it was in the colonies that reduction was to take place; and when hereafter alterations should take place in the Cape of Good Hope, and when the Bill of last Session for the Abolition of Slavery in the West Indies shall have been carried into full effect, then indeed a diminution might be found practicable. The proportion of our home to our colonial forces was 62 men at home to every 100 abroad.

Mr. *Hume* said, that his reason for proposing the reduction, consisted in the fact, that we were now employing a large police force for the maintenance of peace in cities and towns, thus doing away with the necessity for an equally large military force. He thought, too, that England was a civil, not a military, country, and wished to see an end put to that vicious system which had arisen out of our late wars, the maintenance of a preposterously large military force during peace. No real friend of the Government wished them to keep up such a force or increase it. The Tories might. They were consistent men attached by system to large establishments and great expense, but no one who wished well to the Government would support them in wishing to enlarge the present unnecessary force or to maintain it without diminution. He thought that not merely 5,000 but 15,000 men might be saved; and as to Ireland, he thought that putting down the Orange Lodges would do much to render the presence of the military unnecessary.

The Committee divided on the Amendment:—

Ayes 43; Noes 126—Majority 83.

List of the AYES *(Not Official).*

Aglionby, H.
Barnard, E. G.
Beauclerk, A. W.
Blamire, W.
Bowring, Dr.
Brotherton, J.
Buckingham, J. S.
Butler, Col.
Chalmers, P.
Collier, T.
Elphinstone, H.
Ewart, W.
Fielden, J.
Finn, W. F.
Grote, G.
Gully, J.
Leader, J. T.
Lister, E. C.
Lushington, C.
Marsland, H.
Maxwell, J.
Molesworth, Sir W.
Parrott, T.
Pease, J.
Philips, M.
Potter, R.
Roebuck, J. A.
Rundle, J.
Scholefield, J.
Sheldon, E. R. C.
Strutt, E.
Stuart, Villiers
Thompson, T. P.
Thorneley, T.
Trelawney, Sir W.
Tulk, C. A.
Turner, W.
Wakley, T.
Warburton, H.
Wason, R.
Williams, Sir J.
Wood, Alderman
Villiers, C.

TELLER.

Hume, J.

Resolution agreed to.

On the motion, that the sum of 38,528*l.* 6*s.* 8*d.* be granted to his Majesty to defray the charge of the land forces.

Sir *William Molesworth* was sorry that the motion of his hon. Friend, the Member for Middlesex, had not been acceded to; for then he should have contented himself with moving, that the Foot-guards should be the 5,000 men to be disbanded. He considered those regiments to be a great abuse on account of the privileges which they possessed over the troops of the Line. Amongst these privileges there was one of receiving a larger amount of pay for fewer and less important services than the other regiments of Infantry. He intended to move such a reduction in the pay of the officers of the Foot-guards, as would make it equal to that of the officers of the Line; at the same time, in order that he might not be accused of attempting to deprive meritorious individuals now in this branch of the service, of their fixed and well-founded expectations, he must state that if his motion were carried, he should, in the debate on a subsequent portion of the Estimates, move compensation to the officers. The effect of his motion would be to do evil to no individual, but to put the pay of all future officers of the Foot-Guards on the same footing as the pay of officers of regiments of the Line, to effect a large saving to the country, and to strike off the unfair privileges of the Guards. He was inclined to think that the House was but little aware of the amount and value of those privileges, which the officers of the Line considered to be unjust. He would, therefore, briefly state them. The first privilege which the Foot-guards possessed over the regiments of the Line was with regard to station. Of the seven regiments, or battalions of Guards, five of them are always in London; one at Windsor; and one in Dublin. Compare this with the stations of the troops of the Line. Seventy-five regiments are in the colonies; fifty of these are in countries within the tropics, or beyond the Cape; and only twenty-five are serving in what may be termed good or temperate climates;—namely, the Mediterranean and North America. Sir William Gordon, on being asked, by a Committee appointed by this House, "Whether thirty-three years is the average period for remaining abroad," replied "Yes, taking the East-Indies as a part of the service, whilst the average period of service at home is only about five years." Of the twenty-eight regiments at home, nineteen are in Ireland; where, till lately, they were employed in the distraining for tithes. Even now they were called out to witness scenes of outrage—to be present at burning of stacks, and the destruction of property—to take part in scenes which must be distressing to their feelings as men, and abhorrent to their ideas of duty as soldiers, so much so that officers generally preferred the unhealthy climate of the West Indies to remaining in Ireland. The effect of the privilege, with regard to station, was signally shown by the proportion of deaths amongst the officers of the Line, and amongst those of the Guards. There were more than three times as many officers of the Line died in proportion to their whole number, than officers of the Foot-guards. From 1828 to 1835, of 206 officers of the Guards, only eleven died, being in the proportion of not quite one in nineteen—whilst out of 3,752 officers of the Line, 658 died, being more than one-sixth. Thus, in effecting a life insurance, an annuity on the life of an officer in the Guards was worth an annuity on the lives of three officers of the Line, generally; and if the regiments in India, only, or specifically were taken, then the life of an officer in the Guards was worth eight of officers of the Line in that country. This, to be sure, was a most salutary privilege, on the part of those who were so fortunate as to possess it—a privilege resulting solely from station. What had the Guards done to merit this most valuable and exclusive privilege? If the Guards were part and portion of the army, why should they not share in all the toils and dangers of the military service, and be rewarded in proportion; if they were not a part and portion of the army—if they were only a sort of royal police, decorated with military costume—surely it was most unjust to the officers of the army, generally, to bestow upon these men those honours and emoluments of military service of which they had appropriated to themselves the largest share, in virtue of the unjust privileges which they derived and possessed from their rank. This privilege of station was the most obnoxious one of all—a privilege unjust to the rest of the army—unjust to the public; and which the officers of the Line considered as the greatest possible grievance. The House was aware that in the Foot-guards the ensign had the army rank of lieutenant, the lieutenant that of captain, the captain that of lieutenant-colonel, and the major that of colonel. Thus the lieutenant, on becoming captain, passes over all the captains senior to him in the service, passes over all the majors in the army, and attains that rank, viz. lieutenant-colonel, after which almost all promotion is by seniority; if he remain in the Guards, on becoming regimental-major he passes over all the lieutenant-colonels senior to him and attains the rank of colonel. The effect of this privilege is, that the Guards supply nearly the same number of general-officers to the army as the whole of the regiments of the Line. Now, the seven battalions of the Guards were in number about 5,200 men. In these Estimates he found there belonged to these regiments no less than sixty-eight officers who had the army rank of colonel and lieutenant-colonel, whilst the 106 battalions of the Line, amounting to 92,000 men, about eighteen times the number of the Guards, had only 126 colonels. It was difficult accurately to ascertain the number of general-officers who had come from the Guards, on account of the interchanges between the Guards and the Line; for when a captain of the Guards interchanged with a lieutenant-colonel on the half-pay of a regiment of the Line, he appeared on the Army List as belonging to the half-pay of that regiment, though, perhaps, he had never seen that regiment—though, perhaps, he has never done one hour's service with that regiment during the whole course of his life. The following transaction sometimes took place, when a lieutenant in the Guards, who had wealth and interest, was desirous of becoming a lieutenant-colonel in the army, he induced a captain in his regiment to retire in his favour; perhaps, however, the captain was unwilling entirely to quit the army. He, therefore, exchanged with some lieutenant-colonel on the half-pay of the Line, who was willing to realize his money. The lieutenant-colonel, in this case, never joined the Guards, but was gazetted, as having sold his company to the said lieutenant. The consequence of this jobbing transaction, was to transfer an annuity from an old and worn-out life to a young life, to promote the lieutenant over the heads of all his senior captains and all the majors in the army—to exalt a youthful scion of the aristocracy over grey-headed and worn-out veterans. But here the transaction did not always terminate. Probably the late captain in the Guards, now a lieutenant-colonel on the half-pay of the Line, possessed influence, he then quickly obtained the command of a regiment; and thus, without having seen any service, he filled the station and enjoyed the emolument which ought to be the reward of an officer who had really served his country. The following case (the particulars of which he had taken care to ascertain to be correct) illustrated his position. Some years ago, a captain in the Foot-guards, known to be in a state of pecuniary embarrassment, exchanged to half-pay;—securing, of course, a large sum from the person who was appointed in his place. Not long after, he was put on full-pay of a regiment in India, where, as I have before stated, each regiment has two lieutenant-colonels. He joined as junior regimental lieutenant-colonel, although senior in army rank to the other. In the former capacity, of course, he was not entitled to the command of the regiment. But the European regiments in India are scarcely ever stationed alone; and in this case, the regiment being one of a division which was made up of native troops, his superior army rank placed him immediately in the command of the station. Thus, instead of the mere command of a battalion, he obtained the command of a large military district and several thousand men, with pay and allowances amounting to between 3,000*l.* and 4,000*l.* per annum—of which command and pay he deprived the senior lieutenant-colonel, who fell back to the command of his regiment, bereft of that reward and emolument which he might justly consider his right, after thirty years' service with his corps in all quarters of the globe; whilst the other officer had served about half that time at home. Thus, the officers of the Guards possessed admirable facilities for obtaining rank in the army early in life. Now, it was of the utmost importance to the individual who made the military career his profession, to obtain rank in the army as early in life as possible, to become as quickly as possible a lieutenant-colonel, for, after becoming a lieutenant-colonel, whether the individual remained on full or half-pay, whether he accompanied his regiment to the deadly climates of some of our colonies, or lived in inactive luxury in London, whether his time were passed in combatting the Caffrees at the Cape of Good Hope, in wading through the pestiferous swamps of the Burman empire, or were more agreeably spent between Crockford's and Melton Mowbray, or in lounging in this House, it was all the same—his progress up the list, towards becoming a general-officer, was equally unimpeded. Amongst the General-officers all the grand prizes of the army were distributed. That there should be rewards of military merit, though not in the form in which they now existed, he for one should never object to; but he objected to these prizes being too often not the rewards of merit, but of interest; and that one-half of those who, by their rank in the army were eligible to these appointments, were men who had seen no service save in the streets of London—performed no duties, save falling into their ranks on parade. Indeed, two-thirds of the Guards were generally on leave of absence; for these favoured troops had also peculiar facilities with regard to obtaining leave, which was granted to them without its being required that their application should pass through the Adjutant-general's department. All the detail of regimental duty was performed by the serjeants under the adjutant or commanding officer. The officers, with respect to these duties, were mere ciphers. The Guards possessed also some minor privileges which ought to be swept away. There was one privilege possessed by the Guards, sometimes productive of great hardship to the other officers. The House was aware that the Foot-guards were not under the control of the Horse-Guards, and were in a great measure, independent of the control of theCommander-in-Chief: —they were under the absolute and irresponsible control of their Colonel; and, in his absence, of the regimental Lieutenant-colonel. The consequence was, when an officer of the Line wished to exchange to half-pay, he merely had to send in his papers, and permission was immediately granted to exchange. Not so in the Guards; the patronage of all appointments in the Guards belonged to the colonel, and it was most valuable; consequently, when an officer in the Guards wished to exchange to half-pay, he was obliged to make interest with his colonel, to request his permission, which was sometimes denied, without any reason whatsoever being assigned for his refusal; for instance, cases of the following description are said to have occurred. The colonel or lieutenant-colonel had a friend or relation in the Guards, whom he was anxious to promote, and who was inferior in army-rank to the officer who wished to exchange for half-pay; the colonel or lieutenant-colonel refused to grant permission; and thus endeavoured to oblige the individual in question, to quit the service, to sell out, or retire in favour of the friend or relation of the Colonel or Lieutenant-colonel; and this forced the said officer either to abandon his profession entirely, or to remain in active service, though most anxious to exchange to half-pay. The exercise of this power by the commanding officer, was sometimes found to be a great nuisance; and he was convinced that many officers of the Guards would be delighted if their regiments were placed under the control of the Horse Guards. The commanding-officers had likewise the power of dividing, amongst the field officers and captains, the surplus of the fund, called the "Stockpurse." This fund, according to the Report from which he had quoted, was made up, first, from the pay of a certain number of non-effective men; secondly, from an allowance of 16*l.* for every ten men; and, thirdly, from the money received from the men who purchased their discharge. From this fund, the Guards defrayed the expenses of the hospital and of recruiting; and the remainder was divided among the officers according to a scale not detailed to the War-office. The last privilege to which he should refer, was that which the officer of the Guards enjoyed in case of his being promoted to the rank of major-general by brevet. If the lieutenant-colonel of a regiment of infantry were removed from his command of a regiment by a brevet, which made him a Major-general, he received only 300*l.* a-year. Now by a warrant of 1830, if a captain in the Guards were removed in a similar manner by brevet, he received 400*l.* a year. If a regimental Major in the Guards, 550*l.*; if a regimental lieutenant-colonel, 660*l.* Why this invidious difference between the payment of the Guards and the payment of the Line? Was it on account of the difference of duties in the two services? The Duke of Wellington gave the following account of the duties of an officer:—

> "From the moment at which the officer enters his Majesty's service, till he attains the rank of general officer, he must be prepared to serve in all climates, in all seasons, in all situations, and under every possible difficulty and disadvantage. There is no peace or repose for him, excepting that some powerful party in the state should think that his services can be dispensed with, in which case he will be put on half-pay. While thus serving, he must perform all the duties required of him. He must be, in turn, gaoler, police-officer, magistrate, judge, and jury. Whether in peace or in war, in the transport, in the charge of convicts, or acting as a magistrate, or sitting in judgment, or as a juryman, or engaged in the more immediate and more active duties of his profession in the field, either against the internal rebel or the foreign enemy—he must never make a mistake—he must never cease to be the officer and the gentleman. Cheerful, obedient, subordinate to his superiors, yet maintaining discipline, and securing the attention and attachment of his inferiors, and of the soldiers placed under his command."

Such were the duties and services required of the officer of the British Line, and such were the duties faithfully discharged by them—services seldom if ever required, seldom, if ever, rendered by the officers of the Guards. Yet with a most strange measure of justice, a more ample and kind allowance was now accorded to him who had never toiled in the service of his country than to him who had braved all the inclemencies of tropical climes, and wasted away the best years of his life under a burning sun. A more ample share of remuneration was meted to him who had merely had the nominal command of a company, than to him who had held the truly important, the truly responsible command of a battalion. What possible reason could be assigned for the preference thus assigned to the one over the other? It was said the Guards were the necessary decorations and appendages of royalty—not so. He was not one anxious to deprive royalty of its fitting and becoming honours, but he denied that these troops were necessary to royalty. The most ambitious monarch in Europe—the monarch of France—had no guards. The sovereign who sat upon the most ancient throne in Europe, the representative of the Cæsars, had no guards, the duties of his palace were performed by the troops of the Line. Were the troops of the British line inferior either in courage or in discipline to those of the Austrian service? Surely not. No; the Guards were not the pageants of royalty; they were the pageants of the aristocracy; a specious device, by means of which the wealthy and the powerful were enabled to promote their offspring over the heads of hard-worked and worn-out veterans, and the means by which the aristocracy had contrived to accumulate upon themselves the rank, the honours, and the emoluments of the military profession, without depriving themselve of any of the enjoyments of civil life. This was an abuse which he trusted the House would concur with him in putting an end to. He should conclude by proposing such a diminution of the army Estimates as would put the pay of officers of the Guards on the same footing with that of the Line; and if this amendment were carried, he should think it tantamount to a declaration on the part of the House that the privileges of the Foot-guards should be entirely abolished. The hon. Baronet then moved, that the proposed grant of 3,085,280*l.* 6*s.* 8*d.* be reduced by the sum of 6,999*l.* 17*s.* 3*d.*

Mr. *Hume* supported the amendment, and said, that the time had arrived when promotions should be regulated by merit, and not by influence. He knew that the distinction existing between the officers of the Guards and those of the Line, on the subject of rank, was a source of great irritation to the latter.

Major *Beauclerk*, as an infantry officer was able, from his own personal knowledge, to state that, although the officers of the Line were too proud and high-minded to complain, they yet were far from pleased or satisfied with the distinction made between them and the officers of the Guards. He did not think that such favouritism should exist; and, knowing the irritation and jealousy which the privileges enjoyed by the officers of the Guards occasioned, he most cordially supported the proposition of the hon. Baronet.

Sir *Harry Verney* said, that although he had never seen any active service, he was an officer in the Line. He begged to deny that any such irritation or jealousy existed in the minds of the officers of that branch of the army on this subject as the hon. and gallant Member for Surrey had stated. It was also quite clear to any man at all acquainted with the sentiments of the officers of the Line, that the hon. Baronet who brought forward the amendment advanced statements which were not borne out by the facts. Was he not aware that the expense of the officers of the Guards was much smaller to the country than that of the officers of the Line? He did not believe that the officers of the line viewed the privileges of the officers of the Guards with any dissatisfaction whatever.

Lord *Arthur Lennox* must also dissent from the testimony given by the hon. Baronet near him, and the hon. and gallant officer the Member for Surrey. He was an officer of the line, and had served in that capacity in various parts of the world, for thirteen years; and this was the first time he ever heard that even the slightest jealousy existed among the officers in that branch of the army respecting the privileges which the officers of the Guards possessed. His belief was, that there was not the slightest foundation for even supposing such a thing.

Viscount *Howick* said, that he had heard, with great satisfaction, the observations which had fallen from the noble Lord who had just addressed the House; because in his (Lord Howick's) view of the question, the important point was the assumption of the hon. Baronet the Member for East Cornwall, that the officers of the British line did feel themselves aggrieved and injured by the privileges which were enjoyed by the officers of the Guards. If, indeed, such feelings had existed, and if there were grounds for the existence of such feelings on the minds of the officers of the Line, it would have been to him (Lord Howick) a subject to be deeply lamented. He was, therefore, delighted to hear from an officer of the line, a positive contradiction to the assertion of the hon. Baronet, and that such feelings were not entertained by that branch of the service to which he belonged. Then, with regard to the observation of the hon. Baronet, as to rank, the hon. Baronet had alluded to the short period within which officers of the Guards could obtain the rank of field officers; and he thought that the Committee would suppose, from what had fallen from that hon. Baronet, that it was the usual practice and course of things, that officers of the guards could obtain the rank of lieutenant-colonel at a very early age indeed. Now, he (Lord Howick) had required that morning an account to be made out of the number of officers serving in the Guards as captains, and who held rank as lieutenant-colonels in the army. The result was as follows: in the Grenadier-guards there were twenty-six captains, with the rank of lieutenant-colonels in the army; in the Coldstream, sixteen; and in the third regiment, sixteen also; making in the whole fifty-eight captains of the Guards who held the rank of lieutenant-colonel, exclusive of those who did the regimental duty as lieutenant-colonels. Now, what did the Committee think was the average period of service of these officers before they attained the rank of lieutenant-colonel? Why, instead of their having served ten or a dozen years, as might have been imagined, from the statement of the hon. Baronet, the average period of service of those officers, in order to enable them to attain the rank of lieutenant-colonel, as appeared from the account before him, was twenty-four years. He was sorry it was not in his power, to furnish the Committee with a similar statement respecting the officers of the Line; because from the frequent exchanges which took place, on promotion and otherwise, it was impossible that any such account could be made out with any degree of accuracy. The hon. Baronet had stated, that the deaths of officers in the Line was as three to one, as compared with the officers of the Guards; but not expecting any such statement as that would have been made, he had not been able to go through the details, and, therefore, could not take upon himself positively to contradict it.

Sir *William Molesworth*: What he had stated was, that the mortality among the officers of the Line, in proportion to their entire number, compared with that of the officers of the Guards, was as three to one.

Viscount *Howick* said, that was precisely what he had stated. He was not, on a short notice, able to go into minute details, but from a calculation made by his noble Friend, when he was Paymaster of the Forces, it was ascertained that the mortality and sickness prevailing amongst the household troops was fully as great as amongst the troops of the Line. That being the case with respect to the men, he could not doubt that it was equally so with respect to the officers; and he was sure that there must be on that point some great mistake in the statement of the hon. Baronet. It occurred to him that what the hon. Baronet might have meant was, that from the officers of the Guards not persevering in the service, and from the frequent changes that occurred, the mortality on that account might not perhaps be so great. The hon. Baronet had stated, that when officers of the Guards became general officers, their pay was 400*l*., but, by a recent regulation, the pay of all general officers had been raised to a minimum of 400*l*. With respect to the objection made by the hon. Baronet to the increased allowance to the household troops, he must observe that, viewing their different circumstances, and the increased expense to which they were subjected by living constantly in London, there was no ground of complaint on that point. In his (Lord Howick's) opinion, upon the pecuniary point of view, the hon. Baronet had made out no case. With respect to the alleged jealousy existing on the part of the troops of the Line, he had no reason to believe that any such jealousy existed; and, he, therefore, trusted that the House was not prepared to infringe upon that which, since the earliest times, had been the practice of the British army. Before the war, the proportion which the Guards bore to the troops of the Line was much greater than at present. No pecuniary benefit whatever could result from the motion of the hon. Baronet, and he trusted that the feeling of the House would go with him in resisting it.

Mr. *Leader* said, I rise, Sir, not so much for the purpose of intruding my own opinions on this subject upon the House, as for the purpose of setting right some hon. Members who seem to have misunderstood the statements and intentions of my hon. Friend, the Member for Cornwall. First, the hon. Member for Buckingham seems to imagine that my hon. Friend, the Member for Cornwall, in bringing forward this Motion, has been actuated by the desire to save a few thousand pounds to the country. Now, I beg most distinctly, on the part of my hon. Friend, on my own part, and on the part of those who think with us, to disclaim this small and paltry object of the mere saving of a few thousand pounds; our object is to correct an abuse, or what we consider an abuse, in privilege and in promotion. The hon. Member for Buckingham also said, that the Guards were of use as well as of ornament to the public service. So far as ornament goes, I quite agree with him, they are very ornamental; but as for their use, I must differ from him. The only use to which they are put, so far as I know, is mounting guard at the Palace, and at some public offices, appearing on parade, and, whenever any distinguished foreigner comes to this country, going through the ceremony of a review, for his edification. They are certainly fine and gallant looking troops, but they must make but a small impression on a foreigner who is accustomed to see 20,000 or 30,000 men reviewed, from the very smallness of their number, which in London never amounts to more than 4,000 or 5,000. I can assure hon. Members opposite, that I mean and that I feel nothing hostile or disrespectful to the Guards.

Nulli secundus is the proud motto of the Coldstream, and I do really in my conscience believe, that they amply deserve that motto, and that in gallantry, courage, discipline, and loyalty, they are inferior to no troops in the world; but that is no reason why they should enjoy an unfair superiority over men equally gallant and well-disciplined as soldiers, and equally good and loyal as subjects; I mean the Infantry of the Line. On actual service, in time of war, the Guards have as much duty to perform, and they perform it as well as any troops; but in time of peace, when the troops of the Line are engaged on difficult service in Ireland, and in the Colonies, the officers of the Guards have little or no duty to perform, and all the service they see is at Melton, or at Crockford's. The hon. Member for Buckingham further stated, that there was no good ground for complaint on the score of promotion. Neither that hon. Member, nor any other Member, has attempted to disprove this fact—that the Guards furnish seventy to the list of lieutenant-colonels, whereas the rest of the Infantry furnish but 126 lieutenant-colonels to that list. Here you have a Corps of 5,000 men of the favoured guards, supplying seventy to the list of lieutenant-colonels, while an army of 90,000 or more supplies but 126. Is this a fair proportion? Is there not favour and privilege here? This is a fact, uncontroverted and incontrovertible. This alone is an abuse great enough to warrant our endeavours to change the present system. The noble Lord, the Member for Chichester, states, on his own knowledge, that there exists no jealousy on the part of the Line against the Guards. I know not what his experience may be, but I will remind him of a passage in a celebrated writer, referring to this very point. I find in the thirty-fifth letter of Junius this passage: "They (the marching regiments) feel and resent, as they ought to do, that invariable undistinguishing favour with which the Guards are treated." I find a note on this passage by the same author. "The number of commissioned officers in the Guards are, to the marching regiments as one to eleven. The number of regiments given to the Guards, compared with those given to the Line, is about three to one, at a moderate computation; consequently, the partiality in favour of the Guards is as thirty-three to one. So much for the officers. The private men have fourpence a-day to subsist on, and 500 lashes if they desert: under this punishment they frequently expire. With these encouragements, it is supposed they may be depended upon, whenever a certain person thinks it necessary to butcher his fellow-subjects." The date of this passage is December 19, 1769. Thus we see that the evil was known and complained of more than fifty years ago. There was jealousy then on the part of the Line against the privileged Guards. I venture to say, that there has been jealousy ever since; but, from that time to 1830, it was useless to bring the subject before Parliament; for whether the Whigs or the Tories were in power, the influence of the aristocracy was predominant in this House; and it was well known that this favoured corps was appropriated to themselves, that they might enjoy military honour and military promotion without military service. This is the real cause of the evil; in the army, as in every other service in this country, almost every thing is given to birth and wealth, and interest, and little or nothing to zeal and merit and long service. But now that we have a reformed House of Commons, I do hope and confidently trust that this abuse, as well as all other abuses, may be corrected.

Sir *Henry Hardinge* thought he might congratulate the House on the speech of the hon. Member, which was calculated to throw some light upon the discovery of "Junius." The hon. Member appeared to have discovered that "Junius" was an officer of the Line. If he was not much mistaken the hon. Baronet who had brought forward the motion, had drawn his information from a source equally as anonymous as the letters of "Junius." He had traced and followed him throughout all his marches and countermarches, and unless he was very much mistaken, the book now before him contained not only a great portion of the speech of the hon. Baronet, but the literal and actual words that the hon. Baronet uttered. The hon. Baronet had stated, that he got his facts from the King's *Gazette*; but if that were the case, the King's *Gazette* must very much resemble the *London Review*. Beginning at page 388 of the *London Review* he there found a great portion of what had been stated by the hon. Baronet. The right hon. and gallant Gentleman then proceeded to read some passages from the *London Review* upon those points which had been referred to in the speech of the hon. Member for Cornwall. He thought that the Committee would think the similarity of the passages he had read to the observations of the hon. Baronet, was a circumstance that was somewhat extraordinary. When the hon. Baronet made it a ground of accusation against the officers of the Guards that they employed themselves in hunting at Melton Mowbray, or lounging at Crockford's, he (Sir H. Hardinge) would say, that however they might employ their leisure hours when on leave of absence, he cannot allege any thing against them as regards their conduct in the field of battle. Then, with regard to the observations which had been made as to the supposed jealousy which was said to exist between the officers of the Line and the Guards, it had been his (Sir H. Hardinge's) lot to serve the greater proportion of his time in the Line, and but six years in the Guards; he could take upon himself to say, that neither in war or in peace had such jealousy existed. With respect to the services of the Guards, he had had the honour, during a portion of the Peninsula war, to serve in the First Regiment of Grenadier Guards. Their force was three battalions, and those three battalions were three times renewed during the war. The entire force of the Guards in the Peninsular war was seven battalions, and during that time the consumption of these battalions by losses in the field amounted to twenty-eight thousand men. He need not remind the House that the Guards had distinguished themselves in Egypt, in America, and in the Peninsula. He need only mention Talavera, and the part they took at Waterloo, where the defence of the Guards at Hougomont was as brilliant a military achievement as was ever attempted. The hon. Baronet had alluded to an officer of the Guards, who had exchanged and gone out to India, where he took the command over an officer of higher military rank. That was a common occurrence, and had happened to himself. He had been commanded by an officer to whom he was senior. On his return from the Continent he had felt himself entitled to some repose, after a long period of active service, and he went into the Guards. He was there commanded by officers whose senior he was. They commanded him regimentally; but in active service he should have commanded them. He believed that the officer to whom the hon. Baronet meant to refer was Sir Willoughby Cotton; and he would state to the House that a more gallant and deserving officer did not exist. The right hon. Baronet eulogised the services of Sir W. Cotton both in the Peninsula and in the Burmese war, and went into a calculation to shew, after deducting interest at four per cent., upon the regular price of his commission, and, making a fair allowance for the additional expenses of living in London, the pay of a lieutenant-colonel of the Guards did not exceed 185*l.* The pay of a lieut-colonel of the Line was about 186*l.* As to pay of a lieutenant of the Guards, after making similar deductions, it would not be found to exceed 50*l.*, and he put it to the hon. Member whether his footman was not as well paid. He begged to remind the Committee, that at the period of the Revolution the Guards consisted of seven battalions, and the same number of officers as now. Again, in the year 1792, there were the same number of battalions and the same number of officers, and there are the same number in 1836. So that for the last 150 years the number of the Guards had remained the same, while the Line had increased in the ratio of four to one during that period. He would say, that in garrison and on service, the conduct of the Guards had been the same; they had been distinguished by exemplary behaviour, and by bravery, not inferior to that of the line themselves, and he would say, from his long experience of both services, as an officer of the Line as well as of the Guards, that, having the duties of peace to perform, he should give the preference to the conduct of the Guards in the performance of those duties. The Guards were better disciplined and better regulated than the troops of the line; and he would ask the House whether any troops could be better conducted than they were, in the relative situations in which they were placed, as between citizen and soldier.

Captain *Hope* stated, that he had been seven years an adjutant in the Guards, and could take upon himself to say, that his duty was no sinecure, and that an adjutant in the Guards had as onerous and arduous duties to perform as an adjutant in the Line. With respect to the saving that would be effected by the proposition of the hon. Baronet, it would amount, he believed, to about 8,500*l.* per annum; but as the hon. Baronet had been considerate enough to say that he would allow compensation to the officers of the Guards for the additional expense of their commissions, he begged to remind him this compensation would amount to no less a sum than 325,000*l.*

Mr. *Kearsley* did not feel bound to compliment the hon. Baronet for the manner in which he had brought forward his motion. He certainly thought that he had brought forward his motion very like a serjeant of the Line, backed as he was by Corporal Junius, the hon. Member for Bridgewater. He trusted, however, that the hon. Baronet would soon receive orders to the right-about-left, and that his corporal would find admission into no service, unless of the corps which was under the command of the hon. Member for Middlesex, namely, the Old Fogies.

Mr. *Thomas Duncombe*, having some years since belonged to a regiment of the Guards, felt bound to express his dissent from those who stated that the Foot-guards was merely a school for the promotion of the aristocracy. Any Gentleman who chose to take the trouble of seeing them any day at parade would see upon their colours the record of the engagements in which they had been distinguished, in America, in Egypt, and in the Peninsular war. With respect to the present motion, if uniformity was necessary, instead of lowering the Guards to the pay of the Line, he would raise the Line to the level of the Guards. If there was any fault in our military system that more especially called for correction, it was that the soldier was too apt to be considered the mere slave of the State. With respect to any reduction of the pay of the Guards, these men had enlisted for their lives upon understood terms, and they could not fairly be deprived of those terms on which they had enlisted. The effect of raising the Line to the level of the Guards would be to raise the character of the soldier in his own estimation, and by so doing they would be able to get rid of that degrading system of corporal punishment which at present appeared to excite so much public disgust.

Mr. *Roebuck* said, that there sometimes took place exhibitions in that House of which it would be more for its credit that the public should not be aware. The old proverb said, *in vino veritas*? he wished he could add that there was decency also. His object in rising was to relieve the hon. Member for Cornwall from the imputation of having made an attack on the Guards. No such an attack had been made. The object of the hon. Member's motion was to get rid of the inequality which existed between the two portions of the service, and to place all parties, whether in the Guards or in the Line, on the same level. One of the things complained of was the inequality of pay, and that, besides this inequality, the party who received less pay were liable to be sent out in times of peace on foreign service, whilst the others remained idly at home. Why was this invidious distinction kept up, and no reason assigned for it? It was said that the Guards were a brave body; no one had denied it, but that was not the question. The question was, "why a distinction was kept up," and no answer had been given to it. The truth was, as might be seen by a reference to the Army List, that the distinction was made to favour the aristocracy, and afford them facilities for promotion.

Sir *Henry Hardinge* said, he felt himself called upon to make the remarks which he had been induced to offer to the House by the invidious distinction made between the Guards and the Line by the hon. Member for Cornwall. The Guards had been described as a sort of military police dressed in royal colours, but who were in fact mere cyphers. This statement being made, he felt it his duty to reply to it.

Sir *Charles Dalbiac* expressed his regret, that on every occasion when the army Estimates were discussed, it should be thought necessary to make attacks on his Majesty's Foot guards. He thought it unnecessary to vindicate them from the aspersions which had been cast upon them. And would only say that his Majesty did not possess braver or more orderly troops.

Mr. *Charles Buller* contended, that the present system was continued for the purpose of jobbing, and of enabling young men of aristocratical connections to obtain promotions, which they would not obtain in the ordinary mode of advancement. He repeated it. The present system was kept up for the purpose of loading the Army List with officers wholly unfit for their rank. He would put it to the House, whether there were not a greater number of general officers for instance, than the country required? — and whether, without the aid of aristocratical influence, they would see young men daily raised to command over others, in every respect, except that of birth or influence, their superiors—young men of no experience, totally unfit for their duties, but of high rank. [*Oh! Oh!*] Hon. Gentlemen might cry, oh! if they pleased, but they would never drown the opinion of the country, nor would they overcome the opinions of many veteran officers, who had expressed the rconviction of the pernicious effects of the present system.

Mr. *Ewart*, in the course of the debate, had never heard it denied that peculiar privileges were bestowed upon the Guards, and that they were bestowed without reason. It had, indeed, been said, that no jealousy existed in the soldiers of the Line against the Guards. That was not sufficient. It was not enough to be shown that no discontent existed among the military, but it should also be proved that they had no cause for discontent. Upon the two grounds he had mentioned, he should give his cordial vote for the motion of the hon. Baronet, though he was afraid there was a military majority in that House ready to prevent its being eventually carried.

Colonel *Peel* said, the charges made showed the grossest ignorance of the question in those who brought it forward. He denied the existence of undue influence, or improper promotion in the Guards; on the contrary, he, at one time, exchanged into the Guards, but when he wanted to procure promotion he was obliged to go back again to the Line to effect his object.

Sir *William Molesworth* replied, with regard to his using the "London Review," no person had a better right, for it was his own property, and he would recommend it to the patronage of the House. He admitted, he never meant to deny the services rendered by the Guards in time of war, but the services rendered by the Line being not less, it could not be contended that the former were entitled to any peculiar privileges. The only reason urged, was the higher price of a commission in the Guards. This was the course of reasoning always pursued on similar occasions. It was the usual practice to prop up one abuse by another. The system of purchase was in itself a gross abuse, as it gave a monopoly of promotion in the army to the wealthy, and yet this very abuse was urged as a reason against remedying another.

The Committee divided on the amendment: Ayes 46; Noes 217; Majority 171.

Viscount *Howick* moved that a sum of 153,000*l.* be granted for defraying the charge of General Staff Officers &c.

Mr. *Hume* asked, whether the recommendation of a Committee last year, that more frequent changes should take place in Staff appointments in the army at the Horse Guards, had been, or was intended to be, carried into effect?

Viscount *Howick* was understood to say, that the recommendation had been referred to the Commander-in-Chief but it did not accord with Lord Hill's notion of military discipline, and it was not carried into effect.

Mr. *Hume*: It appeared then, from what the noble Lord said, that the great grievance to which he alluded, was perpetuated by Lord Hill, in spite of the Resolutions of a Committee of that House, and, that the military business of this country was conducted by a department over which the Government of the country, and the Commons of England had no control. He must protest against such a system, and against such symptoms of weakness being exhibited by the Government. In the name of the public interest, he said it was their duty to exercise control and authority over every Officer of State. If the recommendations of Committees of that House were not attended to, of what use, he would ask were they? This was not the only instance, he must say, in which the Commander-in-Chief applied the patronage and influence of his department to thwart and oppose a liberal Government.

Lord *John Russell*: The hon. Member for Middlesex seemed to think, that in that case the intentions of the Government had been frustrated by some decision of Lord Hill. That was not the case. The subject rested entirely with his Majesty's Ministers. When that Resolution alluded to was proposed in the Committee, he, being the only Cabinet Minister upon it, thought it right to say, that, in his opinion, it ought not to be strictly binding upon the Government, but ought to be left in their discretion; it was accordingly left in that situation; and the Government had thought proper to leave it, in a great degree, to the Commander-in-chief to decide on the propriety of carrying it into effect. With regard to the administration of the business of the Horse

Guards, he begged to say it had been carried on in a manner wholly free from political partiality, and entirely to the satisfaction of Government, and in accordance with their intentions. He, therefore, was ready to bear any responsibility which might attach to that Administration.

Sir *Henry Hardinge:* Nothing could be more candid, fair, and open than the testimony borne by the noble Lord opposite to the able manner in which the Commander-in-Chief performed the duties of his office. The hon. Member for Middlesex, too, seemed to forget that the Committee especially exempted the superior staff appointments. He had concurred with the noble Lord and the late Secretary-at-War, the Member for Coventry (Mr. Ellice), in the propriety of exempting quartermaster-generals from the operation of the Resolution, on the ground that they were appointed immediately by the King, and not by the Commander-in-Chief. Nothing could be more free from any political bias than Lord Hill's conduct at the Horse Guards.

Viscount *Howick* said, the hon. Member for Middlesex had quite misunderstood him, if he supposed him to say that the Government had met with any difficulty from the Commander-in-Chief in enforcing the Resolution of the Committee.

Colonel *Thompson* said, he had always in his experience found the Horse Guards free from political bias. His father was in the army, and always voted on the Ministerial side. On a memorable and delicate subject, some years back (he need not allude to it more particularly), he voted against Ministers; and he had never been prejudiced in the least degree by his conduct on that occasion. He was sure all military gentlemen would join him in saying, that Lord Hill was entirely free from any political feeling in the discharge of his important duties.

Sir *John Elley* begged to say a word on the subject which was under the consideration of the House. It had been said that aristocratical influence directed promotion in the army. He was a soldier who had gone through every grade in the profession, and he would most certainly declare, that from the time he had entered the army up to the present moment, the remotest degree of aristocratic influence had never been used in his favour. He thought that the promotions in the army could not be better disposed of than in the hands of the noble Lord now at the head of the army.

Mr. *Hume* said, that the case of the hon. and gallant Member who had just spoken was a glorious and honourable exception to the general rule. He thought, however, that it could not be advanced as a general argument on the subject of army promotion. There were exceptions to this as in every other rule, but would the gallant officer say, that in general aristocratic influence had nothing to do with promotion in the army? If so, his experience differed entirely from that of the gallant officer.

Mr. *Cutlar Fergusson* said, that nothing could be more unfounded than the observations of the hon. Member for Middlesex as to the management of business at the Horse Guards, which he believed to be entirely free from political influence; and he could not refrain from expressing his regret that the hon. Member should take occasion, upon the proposal of votes in Committee of Supply, not only to make his observations upon the number of men, the expenses incurred, and so on, but to vilify and traduce the character of officers not present to defend themselves, and without any accurate knowledge upon the subject.

Colonel *Sibthorpe* said, that the hon. Member for Middlesex was in the habit of meddling with every subject which came before the House, whether it was the army or navy, law or physic; and upon all occasions he had the misfortune to find himself in a glorious minority.

Mr. *Wakley* said, that whatever might be the opinion of the House as to the conduct of the Commander-in-Chief, there was one part of that conduct which had produced a very general feeling of indignation in the country; he alluded to the practice of allowing soldiers to wear their side-arms. [*Oh! Oh!*] He was glad to hear those cries from the other side of the House; it was an indication of the indifference with which certain hon. Members of that House regarded questions affecting the happiness or the safety of the community. Why, within a very short period, they had seen instances of persons losing their lives, or very seriously injured, in frays with soldiers; and he could not conceive on what principle they were allowed always to carry weapons about with them, at such risk to the population.

Viscount *Howick* wished the hon. Member had brought forward the question, which was one of very considerable moment, on a regular notice, instead of incidentally to a vote like the present. He admitted that the Government had not pressed upon Lord Hill the necessity for abolishing the practice of wearing side-arms by soldiers when off duty. He believed, however, that the cases of inconvenience, or of serious accidents in consequence of that practice had been exceedingly rare. When, then, the instances were so rare of abuse with regard to this practice, he considered it very inexpedient that the habit of self control with which soldiers in the habit of wearing their side-arms were perfectly familiarised, should be discontinued. The consequence of such a change would be, that on occasions of strong excitement, when soldiers were called on to act, and when they might not be under the immediate control of their officers, they would be much more likely to transgress the bounds of duty than men who were always under the influence of salutary self restraint. He did not think that there was any ground for affixing this mark of degradation to the character of the English soldier, and, by lowering him in his own opinion, depriving him of a strong stimulus to meritorious exertion.

Mr. *Ewart* could not agree with the noble Lord, that the British soldier would consider himself lowered or degraded by being prohibited from wearing his side arms on ordinary occasions. There might probably be at first a feeling of wounded pride; but he was satisfied that such a feeling would on consideration be removed —that he would rather consider himself raised in the estimation of his countrymen by laying aside a useless but a dangerous weapon.

Mr. *Roebuck* said, that when the noble Lord the Secretary at War, talked of the small number of instances in which accidents had occurred, owing to the continuance of this practice, he should remember that he (Mr. Roebuck) moved last Session for a return of the number of persons killed and wounded by soldiers who were allowed to carry their side-arms about wherever they went. That return had not yet been made, nor had the Government given any explanation why it was delayed; and, therefore, it was not for the Government to taunt hon. Members as not being able to give more than one or two instances; seeing it was their fault that no specific information had been obtained. There was scarcely a week passed without one or more cases appearing in the newspapers of serious assaults committed by soldiers with their weapons. And he could not but think it rather extraordinary that the noble Lord should talk of such things as "inconveniences"; practices which affected the lives of citizens, he thought were not fitly to be designated "as inconveniences." [Lord *Howick:* I never used the term.] He (Mr. Roebuck) begged the noble Lord's pardon: he considered the phrase at the time as so remarkable, that he put it down; but he, for one, could not see why these "inconveniences" should be allowed to continue. It was not the practice of the cavalry to walk about the streets with their sabres, and he did not know why foot soldiers were continually permitted to roam abroad with their bayonets, unless it was to keep up an invidious distinction between them and the citizens. Besides, there was another case in point. Not many years ago, it was the practice of gentlemen to carry swords; the Legislature, taking notice of the frequent brawls and assaults that happened in consequence, prohibited the practice; and it was now illegal to carry a sword. [*"No, no," from the Opposition.*] Why did Gentlemen deny it? If there was a lawyer among them, he would tell them that he (Mr. Roebuck) was right. And did Gentlemen consider themselves as disgraced, as "lowered," or "degraded," forsooth? No; and why should the private soldiers be degraded by being prohibited from carrying dangerous weapons with them on every occasion?

Sir *Henry Hardinge* said, the hon. Member was mistaken about the cavalry, the order being applicable to them as well as to the foot soldiers. He could not admit, that because some four or five unfortunate affrays might have occurred, the whole English army should be treated like assassins, and stripped of their arms before they left their barracks. Was any such regulation established in any other country in Europe?—in France, in Germany, for instance? No; and would the House then be prepared to declare (which they would do by passing a vote condemnatory of this practice) that the British soldier was less worthy of being trusted than the soldiers of France, of Germany, or of any continental state. Wearing the side arms was considered as an honorary distinction: in many cases, indeed, it was absolutely necessary; in the case of escorting a deserter to his regiment for instance; and in the case of a popular disturbance, requiring the aid of the military: if they were not to carry their arms with them, why they would have to send them by waggons, or some conveyance, to the place of meeting. Hon. Members were not aware of the inconveniences that would arise from passing such a vote: and he trusted that the House would well consider what they were about before they rashly made so important an alteration in military discipline.

Colonel *Anson* said, he agreed with the noble Lord, that this was a most inconvenient time to discuss this question; and as the noble Lord had fairly stated the case, and taken the whole responsibility of the continuance of the practice upon himself, it would be as well to leave the matter in his hands. He also agreed in the sentiment, that to deprive the soldier of his side arms would be considered a disgrace, because it had become an established practice to wear them. Though the army might be capable of improvement, there was not any service in the world so well conducted.

Mr. *Maclean* remarked, that the hon. Member for Bath was mistaken in his law with respect to carrying swords; the mere act of carrying a sword was not illegal; it was the carrying any weapon in such a manner as to be alarming or dangerous to the country. He must be aware that Members of that House were accustomed on Court-days to carry certain things intended at least to represent swords; it was a proof that it was not illegal.

Mr. *Hume* observed, that nothing could be more inconsistent than the opinions which the gallant Officer (Sir H. Hardinge) advanced with reference to the dignity of the British soldier. When a proposition was made for doing away with the abominable practice of flogging, on the ground, among others, that it was continued in the British army alone, the gallant Officer maintained that the distinction in this respect was necessary to be preserved, for the reason, as he (Mr. Hume) supposed, that having made men brutes it was necessary that they be made to preserve the character. Now when it was thought by many hon. Members that the practice of wearing side arms was unnecessary and dangerous, the custom that prevailed in this respect in other countries was deemed essential to the dignity of an English soldier.

The House resumed.

Committee to sit again on Monday next.

DUBLIN POLICE.] Lord *Morpeth* moved for leave to bring in a Bill to amend the Dublin Police Acts. The noble Lord observed, that as the measure was identically similar to that which he had introduced towards the close of the last Session, he was saved the necessity of offering any exposition of its details upon the present occasion. It would suffice to say, that the object he had in view was the establishment in Dublin of a police force of the same character, and governed by the same regulations, as that now to be found in the metropolis.

Mr. *Shaw* coincided in the policy of several of the alterations which the measure went to effect; and, therefore, would not oppose its introduction. The details of the Bill would, however, require much consideration in Committee. He alluded particularly to the great expense which the Bill would entail on the City, and to the manner of appointing the officers.

Leave was given to bring in the Bill.

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HOUSE OF LORDS,

Monday, March 14, 1836.

MINUTES.] Petitions presented. By the Earl of RADNOR, from Brampton, against the Stamp Duty on Newspapers. By Lord WHARNCLIFFE, from Holmforth, for Altering the Factories' Regulation Act.—By Lords HATHERTON, KENYON, and WHARNCLIFFE, and the Bishop of WORCESTER, from a Number of Places,—for Alterations in the Ecclesiastical Courts' Bill.

THE CLERGY.—TITHES.—(IRELAND.) The Earl of *Roden* rose to present a petition from a class of persons in Ireland, than whom he would venture to assert there were no more valuable members of society, or men more devoted to the sacred calling which they exercised. While he rendered them the just meed of praise, which was their strict due, he was also bound to say, that no class of individuals in the community endured, at present, greater privations. The body to which he alluded was the Clergy of Ireland. The petition which he had been intrusted with was from the clergy of the archdiocese of Tuam, the diocese of Ardagh and Killala, and the deaneries of Athenry and Clonfert. He would beg to call the attention of the House to a few of the particular circumstances connected with the case of these gentlemen, and detailed in their petition. The petitioners stated that they were anxious to disabuse the minds of their Lordships, in the first instance, of any idea which might have been impressed, or sought to be impressed on them, that the law as it stood in Ireland was insufficient for the recovery of their tithes, and to assure the House that it was fully competent to enforce the collection of their revenues from that source, especially in cases of tithe composition. The petitioners complained that they were deprived of their property in tithes, which, he would say, was as much the property of the clergy as their Lordships' lands were their property, by means of a foul conspiracy which existed at present in Ireland. They stated, that there were two modes by which they might recover their dues: the first by distress upon the lands of those indebted to them—a mode which they avoided on almost every occasion, inasmuch as they were always averse to any unchristian collision with their parishioners; the second by Exchequer process in the superior Courts of the kingdom. As he had observed, they were in almost all cases averse to exercise power conferred by the former mode, and they were anxious to adopt the latter; but it had been found so expensive, that it was put by that means beyond the possibility of their reach. The petitioners also stated, that they felt the deepest gratitude to those individuals in this country who sympathised with their sufferings, and stepped forward to relieve their privations and redress their injuries; but particularly they felt indebted to those "honourable and powerful persons," as they termed them, who had associated together under the title of "The Lay Association," for the purpose of recovering for them what they had been unjustly deprived of, and restoring them again to their property, by the aid of their purses and their exertions. It was impossible for him (the Earl of Roden) not to concur in what the petitioners had stated, or to refrain from expressing his humble thanks and gratitude to a noble Earl connected with the county of Kent, who was the first to propose that association to the country. It had been stated in other places, falsely stated, that that Association was actuated by improper motives, and that it had acted in a harsh manner towards those whom it sued; but he (the Earl of Roden) defied any one to show one single case, or point out a solitary instance, in which it could be fairly inferred that it was actuated by improper motives, or prove that it had acted in a harsh manner in its efforts to recover the just rights of the clergy of Ireland. The petitioners prayed their Lordships to consider well on any measure which would be proposed to affect the Church of Ireland, and besought them to weigh well all the circumstances connected with it before they suffered it to pass their House. They expressed a ready and a cheerful acquiescence in whatever plan Parliament should see fit to adopt in regard to their pecuniary concerns; but they stated that they would never sacrifice a single iota of those principles and that truth which it was their duty and their privilege to teach and defend as well as practise. The noble Earl concluded by stating his readiness to meet any noble Lord, who should choose to impugn the principles or proceedings of the Lay Association, then or on any future occasion.

The Earl of *Winchilsea* said, that after the personal allusion which had been made to him by the noble Earl, he felt it his duty to make one or two observations in respect to the part he had taken in the origin and formation of the Lay Association. In what he had done towards organising that society he conceived he had only done his duty, a duty which he should willingly perform on all occasions, and which he should never abandon. The petitioners had drawn a faithful outline of their privations, and of the state of ruin entailed upon them. Could any one stigmatise those who exerted themselves for the recovery of the clergy from that state? He was prepared to stand or fall by the principles which had established and which actuated the Lay Association, and he believed that no man in England with a right feeling would blame him for coming forward to assist the distressed clergy of Ireland. Though the motive of the Lay Association had been impugned in another place, he would challenge those who impugned it to prove the slightest cause for their censure in regard to it. The clergy of Ireland were the victims of a foul conspiracy—they were in the utmost destitution and misery. To that state they were reduced solely by the remissness of the Ministry in coming forward with the power with which they were armed, and exercising it in the behalf of their rights. The clergy of Ireland had now no security—not alone for their properties and their rights—but for their very lives. It was a well known fact that there was an association in that country for the purposes of assassinating them. If such a state of things were to be any longer permitted, and if the Government did not at once come forward to put an end to it, it would be an indelible disgrace to the country. If that body of his fellow-countrymen were to be left any longer without that security for their properties and persons which was the right of every inhabitant of Great Britain, he should stand forward himself and rouse such a feeling on the subject among the people of England, as would speedily put an end to the system under which they now suffered so severely. He hoped that some noble Lord would bring forward the subject in a substantive nature, and then it would be found that such a conspiracy existed against the lives and property of the clergy of Ireland as compelled them to fly to foreign countries to preserve the one, and effectually and completely deprive them altogether of the other.

Petition to lie on the Table.

Affairs of Spain.] The Marquess of *Londonderry* rose to apologise to the House for not being able to bring forward his motion for papers relative to the twenty-seven Carlist prisoners in Spain, which stood for that night. He begged, however, before he postponed it, to call the attention of their Lordships to the causes of the postponement, and the course he had previously taken with regard to it. On Thursday night last, when he called on the noble Viscount opposite for a particular despatch—that marked No. 4, in the correspondence on the subject of these prisoners, he was told it was lost. He thought it an extraordinary circumstance at the time, more especially as he remembered a Belgian or Dutch despatch which, on a former occasion, was said to have shared a similar fate, but about which there was subsequently a singular and curious history. He did not come to the House early on Friday, but when he came he was told that a supplementary paper had been put into those which had been ordered by their Lordships; in other words, that the lost despatch had been found. It was, however, put in so late that he was sure few or none of their Lordships could have seen it; and, therefore, under these circumstances, he could not think of bringing forward his motion to-night. In that supplementary paper was a reply of the Vice-Consul, which he would be glad to see explained. The last letter of that correspondence was dated the 24th of September; to that letter the noble Viscount had said, on being asked the question, that there was no answer received. He (the Marquess of Londonderry) could scarely conceive it possible that between the months of September, 1835, and March, 1836, no answer had been sent to that letter. He had mentioned his credulity to the noble Viscount, and called on him for an explanation of the circumstance; but the noble Viscount had told him in an off-hand way, that if there had been any answer to it he should have had it along with the other papers. He (the Marquess of Londonderry) thought, however, that he could furnish an answer from the statement made by the noble Viscount himself on a former occasion. The noble Viscount had said, that the Spanish prisoners taken in the Isabella Ann were transported from Cadiz to Porto Rico. If that was the fact, when did the noble Viscount obtain his information? He would not make any further observation at present, as, from the lateness of the hour at which the paper was put in, it was totally impossible for him to be prepared to go fully into the case. Therefore, with the permission of the House, he would withdraw his motion, and fix it for Friday or Monday, when he would go into the consideration of the whole of these papers, with the view of framing a motion upon them.

Viscount *Melbourne* did not know that the noble Lord had stated sufficient grounds for postponing his motion; but the noble Lord was master of his own proceedings. In point of common sense, however, he had never heard a more insufficient or unsatisfactory ground for postponing a Motion. The paper to which the noble Lord alluded, anybody might read in five minutes, and fully consider in ten minutes. It consisted of only three paragraphs, and the plea of its being put in late on Friday, was of a piece with the rest of the noble Marquess's reasoning. The paper did not vary the case in the slightest degree. He would make no observations on the withdrawing of this motion; he would only state, that he did not acquiesce in the validity of the reasons assigned by the noble Lord for so doing. The noble Lord was the most difficult man to satisfy that he ever had to deal with. He was extremely discontented when he was told that this paper was lost, and now he is equally discontented when it is found. Their Lordships were told, when it was lost, that it was a most important paper, and now that it was found, the noble Lord required time to consider whether it is important or not. The letter had been sent to him (Lord Melbourne) from the Foreign-office. He had put it in a box with other papers, and it was missing in the office. He had instituted a search, and had discovered the paper, and having discovered it, he thought the best way was to lay it on the Table, in order that it might be printed. He had requested the clerk to inform the noble Lord of the circumstance, and if he (Lord Melbourne) had seen the noble Lord he would have informed him himself. He could assure the noble Lord that, until within these few weeks, there had been no further information on the subject whatever, and no further official application had been made to the Spanish Government. These prisoners were young men of very respectable families, and had they joined the army of Don Carlos they would have given him considerable influence. These were the facts, though he had no official knowledge of them. However, though he had no official information on the subject since September, 1835, it was not to be supposed that our Ambassador would be entirely inactive upon the subject, or that he would not do everything in his power to protect the safety of these individuals, and procure their liberation. He did not think it would be prudent in the Government to make an official application, to which a decided refusal might be given. As an additional reason why the noble Lord should put off his Motion, he begged to say that he had a number of supplementary papers, which might supply him with further information.

The Duke of *Wellington* wished his noble Friend near him to state to the House the object he had in view in his Motion. He was most anxious that his noble Friend should state specifically what his charges were against his Majesty's late and present Government. It was not quite fair if charges were to be made and then abandoned, and he thought his noble Friend should state specifically what the charges were, and name a day for their discussion. As one of his Majesty's late Government he felt himself as deeply interested personally, and in character, in the charges which he supposed were about to be brought by the noble Marquess, as any Member of his Majesty's present Government. He, therefore, again called on his noble Friend to state specifically what his charges were, and what course he intended to pursue.

The Marquess of *Londonderry* had not had the advantage of the advice of the noble Duke as to the course which he intended to pursue in the present instance. As, however, he had been so pressed (and he would say a little unfairly) he had no objections to state what his intentions were relative to those unfortunate individuals, who, according to the noble Viscount's statement, were transported to Porto Rico, the Botany Bay of Spain. In looking at that correspondence, it was impossible not to admire the statesmanlike and sound principles laid down in the despatches of the noble Duke. If their spirit had been followed up he should not have had any occasion to take up their Lordships' time. But he would maintain that, from the first document up to the present time, the question regarding these individuals had remained in abeyance. It appeared now, that, notwithstanding the application that had been made, these individuals, after six months' confinement, were to be sent to Spain's Botany Bay, to Porto Rico, and they would be probably drowned, or subject to work as galley-slaves for life. He would beg of their Lordships to look at the position in which this country stood with respect to the queen's government in Spain. Were we not actually aiding and abetting to keep up the queen's power in Spain, and had we not sent arms out to the amount of 500,000*l.*? And yet with all this we could not obtain from that government the release or discharge of these twenty-seven officers. The Carlists had 300 Christino officers in their custody; and if their friends were used in this barbarous manner would they not retaliate? and then the war must go on in the same murderous manner in which it had already been conducted. He was most anxious that these things should be put an end to, and it was to do so that he brought forward his Motion. It was from a desire to arrest the course of events, as it tended to such results, and from a belief that the noble Viscount at the head of the Foreign Office, from his feeling for the queen of Spain's government, had not pressed the matter as he should have done, or with the same decision that the noble Duke when in office had done, that he had interfered in the subject. He thought, therefore, that he was treated hardly by the noble Viscount opposite, when the noble Viscount placed a mass of supplementary papers on the Table of the House, and then taunted him for postponing his Motion. Nine months had elapsed since the noble Duke had written the despatch alluded to, and they were now told there had yet been no answer; did that show any energy on the part of the Government? They were doubly interested now in the question, as there was now a legion of Englishmen in that country. Surely it was our duty to put an end to such scenes of blood, or the subjects of his Majesty might be the victims. He did not complain of the despatch of the noble Duke. On the contrary, he thought it a most fortunate circumstance that it was laid on their Lordships' Table, inasmuch as it showed the incomparable statesmanlike view of the question which had been taken by the noble Duke on that occasion. What he complained of was, that that valuable document had not been followed up, and that a supineness had been manifested by the Government in acting up to the spirit which emanated from it. The noble Secretary of State for Foreign Affairs was all energy when an unfortunate Bishop was to be castigated, but where had his energy been these nine months? All he wanted was some expression on the part of the House, so that the Government might be induced to insist upon the war being carried on in a civilised and proper manner. It was to press his Majesty's Government on that point that he intended to bring forward his motion, and he thought that he should be enabled to make out a case on which the House could come to some expression of its disapprobation as to the mode in which the war in Spain was conducted. The Government of this country had the means of propping up the Queen's cause, and they should also have the means of stopping the inhuman effusion of blood, if they chose to use them. He had no intention of casting any slur on the Government of which the noble Duke formed so important a portion. On the contrary, he believed that if its intentions had been followed up there would be now an end to the war in Spain. At all events, whatever might be the fate of the motion, he (the Marquess of Londonderry) hoped that it would lead to the war being carried on in a more civilized manner than it had hitherto been. There were some curious circumstances brought to light by the papers laid on the Table by the noble Viscount; for instance, the ship Isabella Ann, taken by the Royal Tar, manned by British sailors, was now in the service of her Majesty. But he should reserve these particulars for a future period.

The Duke of *Wellington* entreated his noble Friend to state to the House what he intended to do in regard to the subject under discussion. He (the Duke of Wellington) would say again, that he was personally and in character interested in the question involved in the motion of the noble Marquess. When the noble Marquess thought proper to bring forward his motion he would be obliged to show that he and his Majesty's late Government were implicated in character in it. The noble Marquess had deemed fit to enter upon the subject, but he (the Duke of Wellington) would not then follow him. That was not the first time or the first occasion on which the noble Marquess had introduced the matter. He did so last year, and, if he (the Duke of Wellington) was not mistaken, he had told the noble Marquess then that his character and the character of the late Government were interested in it. When the subject was brought under discussion he would be able to show that his Majesty's late servants had done their duty in respect to it, and also that if they had stopped short—if they had left anything undone of that which the noble Marquess desired to be done—it was because the law of nations interfered and prevented them from proceeding farther. If the noble Marquess would not confine himself to the terms of the motion which stood in his name on the papers of the House, but would go farther into the subject than the despatch was calculated to lead him, he would find that other matters would be brought to light bearing upon the question at large, and that other interests would be discovered depending on it.

The Marquess of *Londonderry* deprecated any intention on his part of reflecting on the conduct of the noble Duke's Government, or making any unpleasant allusion to it whatever. He thought the noble Duke had taken a view of the question not warranted by what fell from him. He did not charge the late Government with any neglect in this matter. What he complained of was, that the despatch being dated the 17th of February, 1835, and it now being March, 1836, that some arrangement had not been effected or some answer obtained. The noble Duke had certainly placed him (the Marquess of Londonderry) in a situation of great embarrassment, and one which rendered him incapable of arguing the question with him. The noble Duke had called upon him to state the grounds on which he meant to proceed. He had now stated them, and what he had done was in consequence of his conscientious conviction that the Government had not taken steps to avert in that country the horrors of civil war. The noble Duke, however, considered that he (the Marquess of Londonderry) had mistaken his duty. This he sincerely regretted, but in the present temper of the House he could not proceed further.

The Duke of *Wellington* said, that this question relative to the twenty-seven Carlist prisoners was quite independent of the general question of the civil war now carried on in Spain, and he thought that the noble Marquess, in justice to himself, to those with whom he acted, and in justice to him (the Duke of Wellington), ought to make a distinct motion on this particular point. If the noble Marquess should think proper to bring forward such a motion, then he (the Duke of Wellington) could have an opportunity of expressing his opinions on the matter.

The motion was withdrawn.

HOUSE OF COMMONS,

Monday, March 14, 1836.

MINUTES.] Bill. Read a second time:—Annual Indemnity. Read a third time:—Letter Stealing (Scotland).

Petitions presented. By Mr. O'LOGHLEN, Mr. O'CONNELL, Mr. HUME, and Mr. G. S. BARRY, from a Number of Places, in favour of the Municipal Corporations' (Ireland) Bill.—By Mr. SHARMAN CRAWFORD, from Bangor, Drogheda, and Dublin, for Alterations in the same Bill.—By Mr. T. SHAW, and Colonel VERNER, from Dublin and Armagh, against the same Bill.—By Mr. JEPHSON, from Mallow, to be included in the Schedule of that Bill.—By Lord STANLEY, from the Corporation Beadles of Dublin, for Compensation under the Bill.

DORCHESTER LABOURERS.] Mr. *Wakley* said, that having presented several petitions in favour of the mitigation of the sentence upon the two Dorchester labourers, the two Lovelaces, at present in New South Wales, he begged to ask the noble Lord at the head of the Home Department whether any further investigation had been made into their case, and if so, with what result?

Lord *John Russell* said, he could answer the question with great satisfaction. His Majesty had been pleased to grant a free pardon to the whole of the persons who had been convicted on the occasion to which the hon. Member referred.

The House resolved itself into a Committee upon the

MUNICIPAL REFORM (IRELAND) COMMITTEE.] Clause 1,—Repealing Acts and Charters relating to the several boroughs named in schedules A, B and C was then read.

Mr. *Shaw* thought, as that clause had reference to the schedules, he might then call the attention of the Committee to the entire want of principle or consistency which pervaded the measure, even upon the shewing of the promoters of it. It appeared from page 8 of the Commissioners' Report, that they professed to go upon a mixed principle of population; and the circumstance of Corporations being "now effectively existing, and exercising the functions of such bodies." Schedules A and B were tolerably intelligible—but in schedule C, he (Mr. Shaw) was wholly at a loss to understand the ground upon which the boroughs were selected; for instance, Midleton and Belturbet were inserted, one with a population of 2,034, the other of 2,026—whereas Newry and Dungarvon were omitted; the former having a population of 13,065; the latter of 10,861. But perhaps it would be said, that the two former, though of such small population, were "effectively existing" Corporations; no doubt they were arranged in a column under that heading; but he would beg to refer to the Commissioners' Report for a definition of what was "an effectively existing corporation, and exercising the functions of such a body;"—take the case of Midleton. The Report stated, that the Corporation was created solely for the purpose of returning Members to the Irish Parliament, which was exercised according to the dictation of Lord Midleton, up to the time of the Union, when the right was taken away, and compensation awarded to them; and then they came to what he (Mr. Shaw) presumed was the Commissioners' description of "an effectively existing Corporation, exercising its functions"—it was in the following words:—"Since that period the Corporation has been kept up, and an annual election of officers has been held, but for what purpose it is not easy to discover—the members of it having no duties to discharge, nor any privileges or emoluments, and the inhabitants of the town deriving no benefit or advantage from the Corporation." Of Belturbet, the other favoured place under the lower classes, the Commissioners Report—" This borough, until the year 1800, possessed the power of returning two Members to the Irish Parliament; it was a close borough, and wholly under the influence of those who claimed to be the patrons or purchasers of its Parliamentary privileges. Originally created for Protestant purposes, it always continued an exclusively Protestant Corporation." The next anomaly was—the Bill departing from the list to which he last referred;—go to the next, also to be found in page 8 of their Report, " of Corporations which have become extinct since the Union," and they pass over the first in that list, viz.: Castlebar, with 6,373 inhabitants, and insert Ballyshannon, with 3,775 —and then, for what reason, it is impossible even to surmise, they add Antrim—not to be found in either of the two last lists—with a population of only 2,655, and of which the Commissioners state in page 6 of their Report, " that it never possessed the character of a municipal Corporation." Then another great absurdity on the face of the Bill was, that it left altogether untouched the eight last of the Corporations, which the Report stated to be " effectively existing" as well as the minor incorporated guilds of the city of Dublin, with respect to which a separate Report had been promised by the Commissioners, but had never yet appeared. He (Mr. Shaw) requested the noble Lord, the Secretary for Ireland, or the right hon. Gentleman, the Attorney-General, to explain these apparent inconsistencies and absurdities, and to inform the Committee upon what principle, if there was any, upon which the Bill proceeded.

Mr. Sergeant *O'Loghlen,* in answer to the right hon. Gentleman (Mr. Shaw), must say, that he thought it would have been better to postpone his observations till they came to the schedules. He would, however, say, that the general principle upon which the borough had been selected was population—the schedule A above 20,000, the schedule B above 15,000, and as to schedule C, it would be open to correction. Belturbet and Midleton might certainly be omitted if desired, and he did not himself exactly see upon what principle Antrim and Ballyshannon had been taken in, unless there were Corporations already existing there. As to the towns that had been altogether omitted, if the hon Gentlemen opposite pleased, they might move clauses to abolish them. He thought the minor guilds in Dublin would be met by the interpretation clause; but if not, a clause might be introduced expressly abolishing them.

Clause agreed to, as were clauses 2 and 3.

On Clause 4, corporators to be styled mayor, aldermen, and burgesses.

Mr. *Finch* said, if Ministers would consent to strike out that clause, it would have the effect of inducing him to withdraw the greater part of his opposition to the Bill. After the concession which the noble Lord, the Secretary at War, made upon a former evening, very little difference of opinion existed between the two great parties in that House, except as regarded the administration of police, which was a matter that could be quite as satisfactorily provided for under the statute of the 9th of George 4th, as by a mayor and corporation. He would ask the hon. and learned Member for Dublin and the Attorney-General for Ireland, what great advantage in other respects was to be derived from the establishment of a mayor and corporation? He called upon them to point out, if they could, what advantage the people of Ireland would obtain from possessing these bodies. The only object of the party with which the hon. and learned Member for Dublin was connected was, to make these Corporations political bodies, and to employ them as engines of political agitation, which the law could not reach. He could assure his Majesty's Ministers that no man could be more anxious than he was for the good government of Ireland, and if it could be shown that this measure would tend to that object, there was no one who would more readily support it than he would; but as he was convinced that the Bill would not only not conduce to the good government of the towns and cities of Ireland, but would render that country absolutely ungovernable by any British administration, whether Whig, Conservative, or Radical, he felt bound to protest against it in the strongest terms. It was known that when Ireland was under the influence of agitation, it was positively ungovernable. Lord Althorp and other individuals who had been in his Majesty's councils, had submitted statements to Parliament to show that the law was powerless under the influence of agitation. When this Bill passed, how was agitation to be suppressed? Suppose an emergency to arise, which would render it necessary to pass another Coercion Bill, would it be possible, under that Bill, to deprive corporate bodies of the privilege of holding public meetings and discussing political questions? And if this were not done every part of the country would be subjected to the legalised process of political agitation; and under such circumstances it would not be possible for any administration to govern Ireland. If the franchise were raised, the consequence would be, that a certain number of the Corporations would fall into the hands of the Protestants, and a certain number into those of the Roman Catholics. The result in this case would be, the agitation of the country from one end to the other, and the corruption of justice at its source. Was it supposed that the cause of agitation had ceased? During the last year a calm—a deceptious calm had prevailed; but did any rational man suppose that the present or any future Government would remove the causes of agitation? If that were the case—if there were to be no agitation for the future, this measure would be comparatively harmless; but it was avowed that agitation was only suspended, on condition that justice was done to Ireland. They all knew what was comprehended in that term. The fact was placed beyond the possibility of denial or dispute. The agitators had declared that justice to Ireland required that absenteeism should be put an end to. Now, he (Mr. Finch) asked, whether the present or any future British Government could be expected to pass a law to compel absentees to reside in Ireland against their wish? Again, it was known that "justice to Ireland" involved the principle, that the religion of the majority should be the dominant religion. How could any British Ministry reconcile this principle with the existence of a Protestant establishment in Ireland? Dr. M'Hale, no mean authority, had given an illustration of his notions of "justice to Ireland;" he said that he looked for "successive reforms of the Protestant church, until not a vestige of the nuisance should remain." The national independence, too, was comprehended in the term so often employed. The hon. and learned Member for Dublin had publicly announced, that he had only suspended the agitation for "repeal" until he saw whether Ministers would do "justice to Ireland." Consequently, justice to Ireland was, in his (Mr. O'Connell's) opinion, equivalent to the separation of the two countries. Under these circumstances, and without entering into further argument, seeing that the Bill before the House, so far from being calculated to promote good government, was calculated, in the highest degree, not only to promote bad government in the towns but to render Ireland itself ungovernable, he would content himself with entering his protest against it, knowing that all further opposition was futile.

Clauses agreed to.

On Clause 6,

Mr. *Shaw* asked the reason for the introduction of the word "office" into the present Bill, which had not been in the Bill of last year.

Mr. Sergeant *O'Loghlen* said, that if the right hon. and learned Gentleman would take the trouble of reading the Bill of last year, as it passed that House and was sent to the House of Lords, he would find that the word "office" was inserted in it. That word was introduced in the Committee.

Mr. *Shaw* said, that in the copy which he had received of the Bill of last year, the word "office" did not appear, and this Act would confer the right of franchise on about 20,000 persons. If the city of Dublin was to be legislated for at all in respect of its corporate functions, he thought that it was, at least, entitled to a separate consideration, as in the case of the city of London, and that the same machinery could not be very easily applied to the 260,000 inhabitants of Dublin, and the 2,000 of Belturbet.

Mr. *George F. Young* said, the clause then under discussion rendered it necessary that all municipal cesses, rates, and taxes, should be demanded before the franchise could be interfered with. He (Mr. Young) had been most painfully circumstanced of late; for in Ireland the franchise was not made to depend upon the fact of publicity being given to the amount of each person's assessment. Now in England it was absolutely necessary that the assessment to the poor-rates should be published, and each individual could thereby know what was the amount to which he had been assessed; but, according to the law, as it applied to Ireland, a man might be deprived of his franchise for the non-payment of a tax of which he had no notice. The law ought to be so framed that a man should know distinctly what rates were payable by him.

Mr. *O'Connell* said, that the hon. Member might console himself. No such law existed, or had existed. He agreed with the hon. Member that nothing could be more monstrous or more unjust; but it was not law, and no particular decision could make it law. To take away a franchise for the non-payment of a tax, without giving the least notice to those who were liable to pay it, was contrary to the first principles of law, and opposed to all justice. And yet such injustice might be inflicted, though not by the statute law, for that would not authorize it, yet by the particular decision of a tribunal, intended for a particular purpose, and with the view of casting difficulties in the way of the registries.

Mr. *George F. Young* said, that it would ill become him to differ on a point of law from the hon. and learned Member for Dublin; but if the hon. Gentleman thought that any unjust decision had been come to in the quarter alluded to, for it would be affectation in him (Mr. Young) to profess ignorance of his meaning, it was impossible for the hon. Gentleman, or for any individual in that House, to feel to the painful extent which every Member of that tribunal did feel, that it had pleased the Legislature to place on the shoulders of men profoundly conscious of their inability adequately to discharge the duties required of them, a weight of responsibility from which, if it were possible, they would gladly relieve themselves. He could only say for them, as for himself, that in the decision to which they had come they had been guided only by an anxious desire to come to a just conclusion on those extremely difficult subjects submitted to their consideration. But in making the assertion that that decision was intended to serve a purpose, the hon. Member had brought a charge, and had imputed motives, which he had no right to ascribe, and which he threw back on him with such feelings as he knew the hon. and learned Gentleman would entertain if those aspersions were cast upon him. The hon. Gentleman said, that the decision was intended to serve a purpose. What right had he to impute motives, or insinuate accusations? "I say," continued the hon. Member, "that my motives were as pure and incapable of suspicion as any which the hon. Member could have had, had he been in my place. I give it him back, I tell him, with those feelings with which he would repel such imputations cast upon him. I repeat, I have endeavoured to fulfil the duties required of me to the best of my ability, and I will not allow him to cast any stigma upon me for doing so."

Mr. *O'Connell* said, if he had imputed motives to the hon. Member it would have been the duty of the Chairman to have stopped him.

Mr. *George F. Young*—You said "for a purpose."

Mr. *O'Connell* admitted he had; he meant for the purpose of excluding votes. He had not said that was a bad purpose. He was glad to find that the hon. Member was in such good odour with himself, but he regretted that his judgment was not so good as his intentions. It seemed he did not comprehend the subject, and yet he took away the franchise, and then he praised himself.

Mr. *George F. Young* said, all the casuistry of the hon. and learned Member would not induce the House to sanction the stigma which he attempted to affix upon the Committee.

Mr. *O'Connell* said he had used no casuistry, but casuistry had been used against him.

Lord *Stanley* put it to the Committee whether the present was either a fit time or place for acrimonious discussion? He could not, however, wonder at the warmth of the hon. Member for Tynemouth; but he hoped the hon. and learned Member for Dublin did not mean more—though his language certainly went to a greater extent—than that the decision to which he referred had the effect of excluding votes. It was impossible to suppose that the Committee alluded to were doing their duty otherwise than fairly and conscientiously, or that they could be actuated by corrupt motives in either receiving or rejecting votes. But, to return to the clause under consideration, he must say, that it was far too important to be discussed in so thin a House. As he disapproved of the whole Bill he should not take the opinion of the Committee on the present clause, but he could not, at the same time, help observing on the unfairness of calling upon them to make provision for the self-government of those cities and towns in which Corporations were to exist without laying before them all the circumstances and information necessary to enable them to arrive at a just conclusion in each case. He should like to know how they were to decide whether a 10*l.* qualification should be given to this place, and a 5*l.* to that; when all the information they had to guide them was, that all places having a population above 20,000 were to have a 10*l.* qualification, and all places having a population under that number a 5*l.* qualification? This was all the information they had to guide them. Was this the course which had been pursued with respect to Scotland? He must also say, that making a residence of six months confer a right of voting was a sort of premium to the less respectable, as opposed to the more respectable parts of the constituency in corporate towns.

Mr. Sergeant *O'Loghlen* said, that with respect to residence this Bill followed the provisions of the Irish Reform Bill, introduced by the noble Lord himself. He then thought a 5*l.* qualification sufficient in certain places, although he now objected to it as being too low. It should not be forgotten either, that the noble Lord had eulogised the statute of the 9th George 4th, which first gave the 5*l.* franchise. With respect to the number of votes he would observe, that in Lisburn the number of houses was 863, of which 93 were of the value of 10*l.* In this borough, then, there would only be 93 voters under this Bill if the 5*l.* franchise were not created. The same observation would apply to Drogheda, Longford, and a number of other towns.

Lord *Stanley* said, that instead of showing that this Bill was consistent in this particular with the English and Scotch Acts, the right hon. and learned Gentleman had thought fit to avoid that part altogether. He denied that he had ever eulogised the Act of the 9th George 4th,; what he said was, that that Act gave no political power, whereas this Bill did. He denied that this Bill had any other than political objects in view, and said that the effect of it would be to establish debating societies and political clubs in every town in Ireland. The right hon. and learned Gentleman had spoken of Lisburn; why, Lisburn was excluded from this Bill. He should like, however, to know where the right hon. Gentleman had got the information respecting Lisburn which he had read to the House. He found in a Report before the House that Lisburn contained 992 houses of all descriptions, and of those 209 were stated to be of the value of 10*l.* and upwards. The Commissioners, however, expressed their belief that there were 354 houses of that value, and this, he thought, showed that the Committee were not in possession of such information as would enable them fairly to discuss the details of this Bill.

Colonel *Conolly* said, that the whole character of the franchise established by the measure was so very low as to manifest its utter unsuitability for the county for which it was intended. The statements put forth by the learned Attorney-General for Ireland were called in question in a great variety of instances. On former occasions the learned Gentleman's statements with respect to Dublin, Cork, and Naas, were shown to have been most incorrect; and that night his extraordinary statement with respect to Lisburn was calculated to throw an additional light upon the subject under consideration. Lisburn was left out of the Bill because a Roman Catholic ascendancy could not be established there, and it was hopeless to place it under the domination of the learned Member for Dublin. The bare fact of Government having recourse to so low a rate of franchise was incontestible proof that they could not find a respectable constituency in the ordinary class of towns in Ireland.—Why, then, he would ask, keep up the machinery of these Corporations at all—and why descend to the lowest class to form the constituency? The learned Attorney-General for Ireland says, it is necessary to resort to this class, in order to enfranchise the bulk of the inhabitants of the towns; it is necessary, in fact, as he admits, to have recourse to those who are living in a state of absolute pauperism. He (Colonel Conolly) would maintain that in large towns the functions of Corporations could be executed under Acts of Parliament now in force, while in small towns the greatest possible evil with which they could be afflicted would be the establishment of debating societies, subservient, as they necessarily must be, to the hon. Member for Dublin, who had made himself master of the Government.

The *Chancellor* of the *Exchequer* observed, that when the Committee came to the schedules, that would be the time for discussing the question, whether any particular town ought or ought not have the benefit of a Municipal Corporation. The gallant Colonel (Conolly) said that Lisburn was excluded because it would not be possible to bring it under the learned Member for Dublin's domination. No; the reason why Lisburn was excluded from the Bill was, that the Corporation was extinct. But then Mallow was also excluded from the Bill, and Dungarvon also; and it would be scarcely contended that in those two towns the learned Member's influence would not tell for something. When, then, therefore, the gallant Colonel came forward and said that we exclude a particular town because we could not bring it under the domination of the learned Member for Dublin, the gallant Colonel, spoke either in utter ignorance, or misrepresented the facts of the case. He would contend that the promoters of the Bill did not desire that Municipal Corporations should be given to towns for political purposes, nor was it intended to exclude any towns from the operation of the Bill. The only object the Ministers had in view was, to promote, as far as possible, a good form of municipal government. The noble Lord (Lord Stanley) had said that night, that his Majesty's Government had departed from the principle that had been adopted for England and Scotland. The object of the Bill was for the purpose of affording popular control, and that those who exercised municipal functions should be responsible to those who chose them. This would apply to all the Boroughs contemplated by the Bill, in the same manner that the principle had already been sanctioned by the King, Lords, and Commons for this country.

Mr. Sergeant *O'Loghlen* said, the noble Lord had quoted from the Report of the Boundary Commissioners, and they only stated what the probable number of houses would be. The gallant Colonel (Colonel Conolly) complained that Lisburn had been left out of the Bill, because it possessed a large Protestant constituency; but he seemed to forget that Belturbet, Ballyshannon, and Antrim were inserted in the Bill, all of which were Protestant towns.

Mr. *O'Connell* said, that the Boundary Commissioners had given too large an estimate in all cases. In Tralee the number of 10*l.* houses estimated by them was 354; whereas the number registered was only 179. Now, Tralee had been twice contested since the passing of the Reform Bill, and in one instance the successful candidate was only returned by a majority of four. The right hon. Gentleman (Mr. Shaw) said, that if this Bill were to pass, the number of persons enfranchised by it in Dublin would amount to 20,000. That was the precise number which the right hon. Gentleman said would be created by the Reform Bill. He (Mr. O'Connell) was sorry to say his prediction had not been fulfilled, inasmuch as the whole number of electors registered in Dublin did not exceed 8,000. He (Mr. O'Connell) contended, that the scale of qualification did not descend; for a tenant of a 5*l.* house in towns in Ireland would be equal in value as compared to a 10*l.* house in Liverpool. The noble Lord (Lord Stanley) would not admit that the 9th of Geo. 4th was a good Act, but yet he was willing to extend its provisions to every town in Ireland.

Mr. *Shaw* denied, that the noble Lord (Stanley) had proposed to extend the provisions of the 9th Geo. 4th. All that the noble Lord, or those at that side of the House proposed was, to leave that Act as they had found it—capable of being extended, in point of law, to any town; but, in fact, few had appeared willing to adopt it. He could not but admire the simplicity and innocence with which the Chancellor of the Exchequer disavowed all political objects, as connected with the Bill before the House; and would the right hon. Gentleman add, that even in his own opinion, such would not be its tendency? and would the right hon. Gentleman further venture the assertion, that if it was not the object of the Government to confer political favour on a particular party—that it was not the motive of those who, on this occasion, were coercing the Government against their opinions and judgment? With regard to the Corporation of Dublin, he admitted that it had been exclusive in its politics, and that exclusiveness he and his friends were ready, under existing circumstances, to surrender; but they never would consent to transfer all the power into the hands of their political opponents, and to gain it was the sole object of those at whose instance the measure was pressed. While he allowed that the Corporation of Dublin was exclusive, he denied that it was close or self-elected, or that any charge of personal corruption could be justly brought against its members; and he was astonished at the assertion which the right hon. Gentleman opposite, the Attorney-General for Ireland, had made on that subject. He would not deny that there was some mismanagement of property—that accounts had been mixed, which perhaps would have been better kept distinct; but it was an entire misrepresentation of the facts to say that 1,500*l.* a-year had been put into the pocket of their treasurer, or that there had been any misapplication of their funds to private purposes, or the personal advantage of the members of the Corporation. As corporate functions in their proper score, they had few to discharge. The Ballast Board, the Paving Commissioners, and the Police-office, were all regulated by Acts of Parliament, and not under the control of the Corporation; and what was very remarkable, the present Bill expressly provided that they should not be subjected to the new Corporation. In short, political power and influence was what it would confer, and what its abettors wanted. The hon. and learned Gentleman (Mr. O'Connell) had stated in his evidence, that the first act of the new town-council should be to build a new town-hall for public discussion, and that would form a centre, from which political associations, of the most dangerous character, would spread throughout the entire country, and be wielded by a power that it would be then found impossible to control. He was willing to put end to the political functions of the present Corporations, and all corporate interference with the administration of justice; but he would ever raise his voice, and exert his utmost energy, against taking this power and influence from the attached friends, in order to confer them upon the acknowledged opponents of British connexion and British interests.

Mr. Sergeant *O'Loghlen.*—If the right hon. and learned Gentleman really meant what he said, he knew less of the affairs of the city of Dublin than any man living; for it was established by a decree of the House of Lords in 1823—and the right hon. and learned Gentleman, he (Mr. Sergeant O'Loghlen) should have thought, must have known the fact, that a sum amounting to 1,500*l.* per annum of the Corporation funds had been misapplied, from the year 1799 up to that time; making in the whole no less an amount than 74,000*l.* The Corporation of Dublin had not transferred the large amount which had been misapplied to another branch of their private property, but had made it a charge upon public property.

Mr. *Shaw* said, that all he had denied was, that there could attach any charge of individual corruption as respected the Corporation of Dublin. He did not deny the existence of the decree of the House of Lords. He admitted that the Corporation had violated the letter of the Act which regulated the pipe-water rate; but he contended, that they had observed its spirit to the extent of expending on the works in question (under the Metal-Main Act) the full amount received, although the Act required that money to be applied in payment of a debt due by the pipe-water estate; this, however, as regarded the pecuniary interest of the Corporation was little more than the transfer of a debt from one estate of the Corporation to another; and while he would not altogether justify the departure from the Act, he could, in the strongest manner, deny, that there had been any interested misapplication of the funds, or personal fraud or corruption committed in respect of them by the Corporation of Dublin.

Mr. *O'Connell.* In the misapplication of this money the Corporation of Dublin had not followed the letter of the law certainly. No; but they had violated the letter of the law as much as the man who filches your handkerchief violates the letter of the law against feloniously stealing from the person.

The *Attorney-General* begged to call the attention of the Committee to the question immediately before them, which was not as to the merits or demerits of the Corporation of Dublin; but as to whether there should hereafter be, in the towns of Ireland a municipal qualification or franchise, which, in some cases, should be vested in 10*l.* householders, and in other towns in the 5*l.* householders. He had heard no objection raised to this arrangement, except that it did not assimilate with the practice in England. No objection had been made to the clause which had not been already answered.

Mr. *Goulburn* begged to ask, why in particular boroughs, where a greater number of 10*l.* householders existed, the 5*l.* franchise was to be created for the purposes of this Bill. In Kilkenny there were 240 10*l.* householders, while in Londonderry there were 408. Now, the 10*l.* franchise was to be continued to Kilkenny, and the 5*l.* to Londonderry—the latter giving nearly double the number of 10*l.* householders. He wished to know on what principle Government acted?

Mr. *O'Connell* said, that in Kilkenny there had been no contest since the Reform Bill, and the 10*l.* householders, to which the right hon. Gentleman (Mr. Goulburn) alluded, were 10*l.* freeholders.

Clauses 6th, 7th, 8th, and 9th, were agreed to.

On Clause 10th,

Mr. *Shaw* was anxious to know how it was proposed to preserve the rights of freemen to their Parliamentary franchise, as the Bill had no provision for that purpose similar to the English Municipal Reform Act. The new Corporations were to be composed of burgesses deriving all their rights from a household franchise, and there would be no recognition by them, *qua.* Corporations, of the rights of freedom; in short, there would be no point of similarity between the old and the new Corporations, except the name; and if any discretion were left to the new town-council, as to the admission of persons, it would virtually amount to their rejection—and thus gradually would be done away the only counterpoise which at present existed in the city of Dublin to the influence of the 10*l.* householders.

Mr. *O'Connell* said, that it was not intended by the Bill to give any greater weight to the new Corporations than were enjoyed by the old ones. Previously to the passing of the Reform Bill, a Return was made to the House by the Corporation of Dublin, stating, that they did not recognize the right of any freeman to demand his freedom. The Court of King's-bench, by refusing a *mandamus,* sanctioned the view taken by the Corporation, and yet now hon. Members stand up for inchoate rights which were decided not to exist. The clause would leave the right just as it found it.

Mr. *Shaw* said, that there was no doubt that the distinction was as well established in Dublin as in other Corporations, between honorary freemen, and those who were free by the rights of birth, servitude, and marriage; these rights were attained through the minor guilds; but, as regarded the Parliamentary franchise, it was necessary that the right should be consummated by passing what was termed the city at large. This was seldom refused, though it had been in some few instances. In one, the Court of King's-bench refused a *mandamus* against the Corporation. Still, in substance, the freedom by right was fully recognized and acted upon, and by virtue of it 1,900 freemen were registered in the city of Dublin under the Irish Reform Act. What he wanted to know was, whether it was intended by a side-wind to affect these rights, as well as others of a similar kind, which would accrue to freemen?

Mr. *O'Connell.*—Does the right hon. Gentleman mean to deny that the Corporation of Dublin do not recognize the right of a freeman? The Court of King's-bench decided that no such right existed. The mode adopted by the Corporation, since the passing of the Reform Bill, was in direct violation of that Act. All their admissions of freemen since were by special favour, and 400 or 500 fraudulent voters, thus admitted, had recently been placed upon the registry in Dublin.

Mr. *Goulburn* wished to know whether the new Corporations were to admit those whom they chose to admit, and reject those whom they chose to reject?

The *Attorney-General* said, the new town-council would have no discretion at all. An inchoate right did not exist, except where it could be peremptorily enforced.

Lord *Stanley* said, the question was a very important one at the present moment. If the son of a freeman claim to be admitted to his right, the Corporation may say whether or no they will admit him. What he (Lord Stanley) wished to know, whether the new Corporation would have the power of rejecting him if they should think fit. He saw the hon. and learned Member for Dublin preparing a case, but it was to the Attorney-General that his (Lord Stanley's) observations were addressed.

The *Attorney-General* apprehended the new Corporation of Dublin would have no discretion. Those freemen who had been admitted in the way described by the hon. and learned Member for Dublin, since the passing of the Reform Bill, were usurpers, and ought to be disfranchised by a *quo warranto.*

Mr. *Shaw.*—Nothing can be more contrary to the fact than the assertion, that the freemen in question had been admitted by special grace or favour—those who had been so admitted (being quite a distinct class) had no right to be registered as voters for the city of Dublin, and none such were registered; but it could not be for a moment maintained, that those who were free by birth or servitude ought not to be admitted to register.

Mr. *Sheil* begged to know what the right was at present? It was said to be inchoate, and yet the Court of King's-bench refused to enforce it. It appeared from the statement of the right hon. the Recorder, that it was obligatory in the minor guilds to admit, but that it was discretionary with the Corporation to admit to the freedom, so as to enable the freemen to vote at elections for Members of Parliament. The Bill before the Committee enacts, "That no person is to be admitted by gift or purchase, but that he should be admitted by birth, servitude, or marriage." The right of exclusion remained as at present, and he thought it just that it should so remain. There was a combination in existence amongst the Protestant tradesmen of Dublin, who declared, they would not receive Roman Catholics as apprentices, lest by possibility they might obtain their freedom. If a *veto* existed now, he wished to know why it should not exist under the new Corporation?

Mr. *Shaw* never heard of any such combination as the hon. and learned Gentleman alluded to, though he was quite free to admit, that generally speaking, the freemen were different both in politics and religion from the hon. and learned Gentleman.

Mr. *O'Connell* said, that the Member

for Bandon was Counsel before the Registering Barrister, for those persons whom he (Mr. O'Connell) contended, had been fraudulently admitted by special favour since the passing of the Reform Bill. He (Mr. O'Connell) suggested to the Registering Barrister the propriety of rejecting one of the claimants, for the purpose of having the question decided by way of appeal to a higher tribunal. The Member for Bandon thought the proposal a fair one, but in the morning Mr. Hatchell came down and said the parties could not agree to the proposition. At a subsequent period a claimant was rejected, and instead of taking the appeal to the Court of King's-bench, they resorted to the Court of Exchequer, and certainly the Chief Baron coincided in the view taken by the Registering Barrister, and the man was registered.

On Clause 15th,

Mr. *Shaw* pointed out the absurdity of the shortness of the time allowed for the Mayor to perform the duty imposed upon him. The hon. and learned Member for Dublin (Mr. O'Connell) boasted, that there would be 20,000 voters under the Bill. Now, under the Irish Reform Act, it had taken eight Revising Barristers with eight separate Courts, six weeks to register 7,000 voters, and the time limited for the Mayor and assessors holding a single Court, was from the 1st to the 15th October, and the whole machinery of the Act depended upon the registry being completed in that time.

Mr. Sergeant *O'Loughlen* saw no reason why the registry should not be completed in the time specified.

Clause added to the Bill.

The Clauses to the 42nd were agreed to.

House resumed. The Committee to sit again.

SLAVE TRADE (SPAIN).] Viscount Palmerston moved the third reading of the Slave Trade (Spain) Bill.

Mr. *Fowell Buxton* did not rise to enter into a discussion upon the Bill, or the general question to which it referred, though, if the time had served, he would have gladly availed himself of the opportunity which the motion afforded for so doing. He was free to admit that the measure of which the noble Viscount now moved the third reading, was fraught with a great many advantages, and was likely to be of considerable importance in regard to the great question to which it referred, but at the same time it was his firm conviction, that it was wanting in one essential particular absolutely necessary for the complete and effectual achievement of the object in view. Slave trading was not made by it a piratical offence, and until it was it would never be put a stop to. The point, however, to which he particularly wished to direct the attention of the noble Viscount and the House, was the conduct of Portugal in connexion with this subject. It could not but be manifest to all who were in even the least degree conversant with the matter, that without a similar treaty with the Portuguese Government, the one to which the Bill now under consideration referred, would prove to all intents and purposes nugatory. In short, if there was a single flag under which slave vessels might sail, all that the Government would achieve by their treaties would be, the transfer of the trade from others to the one country which still carried it on, and the practice of slave-dealing would go on as briskly as ever. It was well known that nothing was more easy than to obtain letters of naturalization from the Portuguese Government; and to a certainty the owner of every vessel now trading under the Spanish flag, would, from the hour that, in virtue of the present treaty, that Government exerted itself in the suppression of the trade, avail himself of that formality. For this reason, he much wished the noble Viscount and the Government would turn their immediate attention to the point, and endeavour to induce the Portuguese Government to enter into a treaty similar to that just ratified with Spain. Portugal was bound, not merely by former treaties, but by good faith and good feeling, to subscribe to such an arrangement; and he entertained no doubt would, if properly urged, at once do so. Negotiations upon the subject had been now pending for nearly twenty years, but hitherto without any satisfactory result. If, however, the noble Viscount were to inform the Minister representing the Crown of Portugal here, that Great Britain was determined to wait no longer, but to take the suppression of the trade into her own hands—as she could, if she pleased, very easily—he felt confident some understanding would at length be come to. He was sure the country at large would support the noble Viscount in any attempt to enforce the ratification of treaties for the suppression of the traffic; and the sooner, and the more energetically he set about it, the more satisfied the people would be. Should the Portuguese Government refuse to become a party to such a treaty as that to which he alluded, he trusted the noble Viscount would not hesitate to inform them, that orders would be given to the British cruisers to take the pirates wherever they found them; and he need not add, he hoped such orders would, in such an event, be given and acted upon.

Viscount *Palmerston* agreed with the hon. Member in thinking that the most effectual plan that could be adopted for the suppression of the slave-trade, was for all the nations to make it a piratical offence, and punish it accordingly. It was obvious, however, that this could only be done by the consent, and with the good will of all the parties concerned, and not by the mere desire of one or two of them. Other nations, unfortunately, did not view the trafficking in human life with the same feelings of disgust and aversion that England did, and the consequence had been, that as yet it had been found impossible to persuade several of the necessary parties to concur in designating the trade as a piratical affair, and punishable as such. In the case of Spain, the British Government originally proposed to affix to the offence the severest penalty of the law, but it was eventually found impossible to persuade its Government to go to that extent. It agreed to affix to the crime a severe, but not the severest penalty. Notwithstanding that, however, he hoped that much more good would result from the treaty than the hon. Gentleman seemed to expect. The Portuguese flag, it was true, might be made use of for the purposes of the trade, but it was undeniable that the power which the treaty went to give Great Britain, of putting down the trade when attempted under the flag of Spain, would be productive of most beneficial results. With regard to Portugal, he had only to observe, that the House must not suppose that there was no treaty upon the subject between Great Britain and its Government. There was a treaty, which, as far as it went, was found tolerably effective, though not entirely so. The defects, were first, that the district of country South of the Line, was not included in the limits to which it extended; and, secondly, that it did not empower the seizure and condemnation of vessels found equipped for the trade, though not in *flagranti delictu.* Upon these parts a negotiation was now pending with the Portuguese Government; and considering that on every principle of good faith, and regard to honour, Portugal was bound to enter into it, he (Viscount Palmerston) could not believe but that all was desired would be obtained. The negotiation had been protracted in consequence of the recent change of Government in that country, but he was in daily expectation of receiving the required treaty duly signed. He had only, in conclusion, to assure the House, that no exertion would be spared by the British Government to achieve the total abolition of the slave-trade, and from the communications recently received from Powers not actually engaged in carrying it on, but whose flags might be made available for the purpose, when those countries hitherto most concerned in it discountenanced its continuance, he and the Government had every reason to expect that their efforts would be crowned with complete success.

Colonel *Sibthorp* thought it evident that no practical end had been obtained. A little smoke had been raised, just to give rise to the supposition that something was being done; but as far as the suppression of the trade was concerned, it was evident no advance had been made.

Viscount *Palmerston* observed, that the smoke to which the hon. and gallant Member alluded must have got into his head, and rendered him unable to read the Bill under discussion. Had he done so he must have perceived that a most important step towards the suppression of the trade had been gained by the treaty to which the measure related.

Mr. *Finch* agreed with the hon. Member for Weymouth in thinking, that until the traffic in slaves was made a piratical offence, it would never be entirely suppressed.

Mr. *Fowell Buxton* expressed his perfect satisfaction, that the Government were doing, and would continue to do, all in their power to induce other nations to join with them in discountenancing the slave-trade. If, in the case of Portugal, nothing was done, he begged to say, that he would be prepared to call upon the House, by a specific motion, to sanction British cruizers in seizing vessels under that flag, in virtue of the existing treaty. He wished, before he sat down, to know from the noble Viscount, if any negotiation was pending to extend the operation of the French treaty, on the same subject, to the limits to be found in the Bill before the House?

Viscount *Palmerston* replied, that though the limits were not quite as extensive as was desirable, no inconvenience had as yet resulted from their narrowness. No negotiation upon the subject was pending.

The Bill read a third time and passed.

Factories' Act.] Mr. Poulett Thomson moved for leave to bring in a Bill to amend the Factories' Regulation Bill.

Mr. *Hindley* felt it his duty to lift up his firm protest against the introduction of the Bill, and against the alterations it proposed. It would be in the recollection of the House, that when the seven hours Bill was brought in, the Government desired more information as to the system pursued in the cotton factories; a Commission was accordingly sent down into the country attended by medical gentlemen of the first eminence for that purpose. And it was in consequence of that Commission, that the noble Lord (Lord Althorp) then the leader of that House, said, that with respect to children under eleven years of age, the Bill of the noble Lord, the Member for Dorsetshire, did not in his opinion go far enough. And he (Mr. Hindley) put it to the House, whether it was right that a Member of the Cabinet should now come down with a Bill to repeal an Act which had passed with the sanction of a Cabinet of which he was a Member not more than one or two Sessions ago.

Lord *Francis Egerton* said, the House would give him credit for the great interest he had taken in this measure, and he could not but express a hope, that his hon. Friend would not continue to oppose the introduction of this Bill, as it had been moved under the impression that no opposition would take place.

Mr. *Trevor* also thought the present was not a fit time for discussing a measure of such importance.

Sir *Andrew Agnew* said, that the hon. Member had said enough, he considered, to make the Government pause before they went on with such a Bill.

Mr. *Hindley* would then reserve his opposition till the second reading, which he hoped would not be till after Easter.

Leave given.

Bill brought in, and read a first time.

Portuguese Tariff.] Mr. *Emerson Tennent* wished to ask the noble Viscount (Viscount Palmerston) whether it were true that the Government of Portugal had introduced a Tariff of Duties, which, if carried into full effect, would be not only injurious to, but almost annihilate the exports of British produce to Portugal.

Viscount *Palmerston* said, it was true that a Tariff of duties had been proposed by the Government of Portugal, which, if carried into effect, would be greatly injurious to our commercial intercourse with that country, though it was not directed more against the import of British goods than those of other nations. It was well known that the commercial treaty between this country and Portugal had expired with notice on the 30th of April last, and a negotiation was now going on for a new commercial treaty between the two countries. If that negotiation should not succeed, or if before it was brought to a close, the tariff should be carried into operation, it would be for the Government to propose to the House, and it would be for the House to consider, measures which would prevent other nations from obtaining commercial facilities in this country which they refused to give us.

Subject dropped.

HOUSE OF LORDS,

Tuesday, March 15, 1836.

Minutes.] Petitions presented. By the Earl of Radnor, from Wareham and Mattock, for Relief to the Dissenters; from the Parochial Union of Cookham, for Extending the time for the Repayment of the Sums borrowed for the Building of Workhouses under the Poor-Law Amendment Act.—By Lord Templemore, from Taghmon, against Tithes in Ireland.—By the Duke of Wellington, from Salisbury, for Poor-Laws to Ireland.—By the Earls of Ripon and Radnor, and Lords Hatherton and Ellenborough, from a Number of Places,—for Alterations in the Ecclesiastical Courts' Bill.

Education (Ireland).] The *Bishop of Exeter* presented a Petition from the Inhabitants of the town of Derby, complaining of the inadequacy of the system of Education established in Ireland, and praying their Lordships not to sanction any further grant to Maynooth, or any similar establishment; and spoke to the following effect:*—My Lords, in presenting myself to the notice of the House, I beg leave to assure your Lordships, and especially the noble Lords near me, (his Majesty's Ministers), that I rise, not for the purpose of proposing any motion in a spirit of hostility to them, or to awaken any angry discussion on the subject to which my motion refers; on the contrary, my intention is—and I trust I shall be found to have realized that intention—so to deal with the subject as to satisfy the noble Viscount himself, that I have no other feeling than that which his Majesty's Government must have in common with me—I mean, a feeling for the real good of the mass of the population of Ireland, so far as their real good may be affected by the influence of education. In moving, as I shall do, for the appointment of a Committee to inquire into the practical results of the operations of the Board of Commissioners of National Education in Ireland, I do that which by no means implies the slightest censure on the Government, though I admit it implies some suspicion that the Commissioners have not conducted this great undertaking in a manner in which it was desirable it should be conducted. Still, my Lords, as his Majesty's Ministers cannot be held responsible for Commissioners acting under the authority of the Crown, more than can any other noble Lords of this House, they need not consider a motion of inquiry into the conduct of such Commissioners as in any degree directed against themselves. They are bound, most undoubtedly—and I know they will feel themselves called upon to act accordingly—they are bound to defend all officers acting under the authority of the Crown when they are attacked, if they think the attack unfair, or if there be not such a *primâ facie* case made out as calls on the accused party to answer it.

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* From a corrected edition, published by Murray, with notes, by the Right Reverend Prelate.

My Lords, if the charges I am about to make, and if the doubts I am about to express, of the fitness and propriety of the continuance of the system in its present state, shall be found to be frivolous and vexatious, then, I entreat your Lordships to dismiss it at once. If, on the other hand, it shall appear that I have a grave case of complaint, and that I tender sufficient evidence to support it, I trust, under those circumstances, his Majesty's Government will consider that they, above all the Members of this House, are especially called upon to promote this inquiry. My Lords, I have no right to doubt that such are the intentions of his Majesty's Government; I have no right to doubt that they wish to give all possible publicity to the working of this system. They have always consented to the production of all Returns that have been asked relating to it, (with one exception, indeed, when they objected to a Return of the comparative number of Protestant and Roman Catholic children attending these schools; they have always expressed their wish and desire to assist in the development of all its operations; and, believing them to be sincere in the desires and views which they have often expressed on this subject, I will say, in the outset, that I will not call upon your Lordships for a vote against the Government, if, after I have entered into this inquiry, they disapprove of my motion. I trust this declaration, on my part, will satisfy your Lordships, that I entertain no views hostile to his Majesty's Government. in bringing forward this subject—that I present myself to you on the present occasion, only because I am convinced that in doing so I am discharging my duty as a humble minister of that religion, which it is my bounden duty to advance as far as my poor ability will permit.

In order that noble Lords may see that it is not my wish or intention to proceed hostilely, I will beg leave to read the terms of the motion with which I shall conclude. They are these:—"That a Select Committee be appointed to inquire what progress the new system of education in Ireland has made towards effecting the main purpose for which it was established —namely, 'the combined education of the poorer classes of the community in that country, both Protestant and Roman Catholic, resting upon religious instruction;' to inquire whether the funds intrusted to the Commissioners have been judiciously administered for the attainment of that object; and whether experience of the practical result of their labours has rendered it safe and advisable to adopt the recommendations contained in their Second Report, for the great extension of the sytem therein contemplated."

Your Lordships will perceive, that in the first part of my motion I have stated the purpose for which this system was established—namely, the combined education of the poorer classes of the community, both Protestant and Roman Catholic, resting on religious instruction. I have done so on the authority of the Report of the Select Committee of the House of Commons of 1828, which Report is expressly stated in Lord Stanley's letter to be the authority on which the present plan is based. It concludes by saying,—

"It has been the object of your Committee to discover a mode in which the combined education of Protestant and Roman Catholic may be carried on, resting upon religious instruction, but free from the suspicion of proselytism."

This then, I say, has been the object which has always been avowed; and I think that it will hardly be denied that the time is now arrived for endeavouring to ascertain how far this object has been accomplished. My Lords, when the system was first set on foot, it was avowed, on all sides, to be an experiment; such was the judgment of it, expressed both in this and in the other House of Parliament, and such was the language used, and the opinion stated, by one of the most influential and most distinguished Members of the Commission—I mean the Archbishop of Dublin. That most reverend Prelate always admitted that the system was an experiment, and he did not hesitate to avow his suspicion that the experiment would not succeed. Well, then, my Lords, there having been no inquiry into the result of this experiment up to the present day, this consideration alone would justify my present motion. But independently of this, I think I shall be enabled to state grounds sufficient, why that inquiry should now take place.

The Second Report of the Commission, which I hold in my hand, and which was laid on your Lordships' Table at the end of the last Session, and printed, I believe, during the recess, contemplates such an enormous extension, both of the means and the sphere of action of the Commissioners, that it really becomes the bounden duty of your Lordships, and of all who are concerned in giving effect to the recommendation, to pause and weigh well the grounds on which you are called upon to proceed, and the extent to which you are invited to go. It can hardly be necessary for me to remind your Lordships of the enormous extent of the demands made by these Commissioners; they require very large sums of money for nine successive years, and then a perpetual allowance of 200,000*l.* per annum. I do not mean to say, this is not the place in which any man would say that the expenditure of that or any other sum would be too large, if it should have the effect of giving religious peace to the people of Ireland, and afford the mass of the population of that country sound religious education. It is because I think that religious peace cannot be obtained,—that sound religious education cannot be afforded,—by a continuance of the system on which the Commissioners have hitherto acted, that I feel it to be my duty, before you come to consider the vote which is to be proposed for carrying on this system, to call upon your Lordships to take a view of the whole case, and by a Select Committee to consider the course which you may deem it necessary to pursue.

Your Lordships are aware that while the Commissioners demand this large sum of money, they avow that their purpose is to take upon themselves the education of the great mass of the population of Ireland. They expressly say—

"We think that the new system may be gradually extended through the agency of such teachers as we have contemplated, until its benefits are enjoyed by the great mass of the population."

Now, my Lords, I must, in the first place, say that I think it hardly possible—although the Report bears the signatures of every member of the Commission—that it could have been unanimously agreed to. It appears to me hardly possible, for instance, that the most reverend Prelate (the Archbishop of Dublin) could have assented to that recommendation. And why do I say this? My Lords, it may be in the recollection of your Lordships, that when the system was first proposed, it excited feelings of great apprehension and alarm in the minds of most of the clergy of Ireland, and especially of the clergy of the diocese of Dublin, who addressed their diocesan in terms of respectful but strong remonstrance against it. To this address the most reverend Prelate, with firmness and with dignity—but with the most entire disposition to conciliate every feeling of distrust that might have arisen in their minds,—returned an answer on the 7th of March, 1832, in which he said—

"From all that I have been able to learn, I have been convinced that no one description of school can be the best adapted to all parishes alike."

The most reverend Prelate was here addressing himself to the subject of the different circumstances and character of these parishes, and the different religious persuasions of their population. He then goes on to say—

"The rector of each parish must be left

to judge what system is best suited to his own; and I am very far from wishing that a more imperfect system should be introduced in any place where one intrinsically better can be made available."

The most reverend Prelate considered that in all cases, where it was possible, they ought to afford religious instruction on the principles of the Church of England; on which subject some doubts appear to have been entertained respecting his views; and he goes on to explain himself thus:—

"I never understood that it was intended to substitute such (national) schools for those on a more perfect system in any place where such should have been introduced and found to succeed, but to rescue from hopeless ignorance those who (whether by their own fault or otherwise) could not be brought to avail themselves of any better plan."*

That was a very modest expression of opinion in favour of the new system on the part of the most reverend Prelate, and I have no doubt he was quite sincere in giving it; I have, also, no doubt he would at that time have been astonished if he had been told that, within a short period, Parliament would be called upon, in part on his authority, to come forward and adopt this as an universal system. I am sure the most reverend Prelate would have so felt. Still, however, I admit that if it has been found, by the experience of the last four years, that the system has worked so well as to prove it to be the best plan which can be adopted, then, indeed, there has been no inconsistency in the conduct of the most reverend Prelate, even if he has cordially joined in the recent Report. But the question of the success of the system is that which is at issue.

The Report states that there shall be 5,000 schools, and as many teachers, in Ireland—that this number is required for the purpose of affording education to the great mass of the population. Now, my Lords, let the House recollect that the establishment of a system of education, resting on *religious* instruction, is that for which the Board was appointed—that *religious* instruction was declared to be the very foundation and basis of the whole plan; and, therefore, if it has failed in that, it has failed at the very root. I entreat your Lordships, then, to observe how the Commissioners have provided for religious instruction in these schools, to be established throughout Ireland. There are to be, as I have said, 5,000 teachers, and these teachers are to receive a very advanced species of education. I will beg leave to read to your Lordships in what manner, and on what subjects, these schoolmasters are to be instructed:—

"In order to secure teachers of skill and intelligence, we propose establishing five professorships in our training institution:—1. Of the Art of Teaching and Conducting Schools. 2. Of Composition, English Literature, History, Geography, and Political Economy. 3 Of Natural History, in all its branches. 4. Of Mathematics and Mathematical Science. 5. Of Mental Philosophy, including the elements of Logic and Rhetoric."

My Lords, these are most important subjects, certainly, and cannot be too much encouraged in their proper order. I quarrel not now with the attempt to give this wide circle of knowledge to the schoolmasters of Ireland. I only contend that the main object is not provided for, and that the plan of the Commissioners is not likely to attain that object. For it must be observed, that in the Report of the Commissioners, when speaking of the qualification of schoolmasters, there is a total absence of anything like a reference to religion; for anything that appears to the contrary they may be atheists. No mode is pointed out by which the slightest particle of religious knowledge can be obtained by them. It may, perhaps, be said that they will partake of the general means of religious instruction given by the Board, in all the schools under their control; but if this be said, I must take leave to deny the correctness of the statement. The only principle on which the Board rests its expectation of adequate religious instruction being given in its schools, is the duty of the several pastors of congregations in the different parishes to attend to the teaching of their respective flocks. But how can such pastors contrive to instruct those who were formerly under their charge, when they are removed to the normal school of Dublin, or of some other great city, or county-town in Ireland? My Lords, it is impossible. These 5,000 schoolmasters will be left to pick up their religion as they can; and I must say, this is the first time that the people of this country were ever asked to believe, that children can be taught the only truths, which it is really essential for them to know,—true morality, and true religion,—by those who are not deeply imbued with the principles of religion themselves.

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* The following passage (p. 23) is still more remarkable:—"Where schools on the Kildare-place plan, or on one intrinsically better, are found to work well, and to embrace the great mass of the population, I should be truly sorry to see an inferior one substituted. But in the many districts where the case is otherwise, it does seem to me highly desirable, that at least an attempt should be made to impart some useful knowledge to those who would otherwise either be left in hopeless ignorance, or would learn more evil than good, from, perhaps, some hedge-schoolmasters, who may be secretaries to a band of incendiaries."

But these teachers are not merely to benefit the people of Ireland "through the schools committed to their charge. Identified in interest with the state, and therefore anxious to promote a spirit of obedience to lawful authority, we are confident, (says the Report), that they would prove a body of the utmost value and importance in promoting civilization and peace."

My Lords, a higher authority than these Commissioners has commanded a different course to be pursued in training men to loyalty. "Fear God, and honour the King," says a book which, whatever the Commissioners may think of it, your Lordships are not so liberal as to discard. My Lords, the "Fear of God" must go first, for no man will honour the King, no man will be loyal or faithful to his earthly governors, who does not fear God,—who does not honour the King because he fears God? And yet there is not the slightest care taken, I repeat, to teach these teachers their only true lesson of wisdom—nay, there is not the slightest security taken against the appointment of the most godless youths in Ireland to be teachers in these schools.

It is singular enough, but it does so happen, that about the time when the Report of the Commissioners was presented to this House, the Minister of Public Instruction in France directed a circular letter to be addressed to the rectors of the academies in that country; and it is not a little mortifying to observe, how much more importance the French Minister attaches to religion, as an essential part of education, than has been ascribed to it by these Commissioners. Yet this was not wont to be the case. This country was not wont to be inferior to France in reverence for religion, nor in zeal for the promotion of its sacred cause. My Lords, M. Guizot says—

"It has been sometimes thought, that to succeed in securing to families of different creeds the reality and the freedom of religious instruction, it was sufficient to substitute for the special lessons and practices of the several religious denominations, some lessons and practices susceptible in appearance of being applied to all religions. Such measures would not answer the real wish either of families or of the law. They would tend to banish all positive and effective religious instruction from the schools, in order to substitute one that is merely vague and abstract."

Such are the observations of M. Guizot on the subject of a generalized religious instruction in schools. But then follows a passage of greater importance, tending to show the feeling which the French minister entertains, as to the absolute necessity of giving a sound religious education to those whose duty it will be to instruct others,—a point upon which the Commissioners, I grieve to say, are altogether silent. The passage runs thus—

"If the reality and the freedom of the religious instruction of the children ought to be thus secured, in all schools, and for all creeds, with still stronger reason ought the same care to be taken for the religious instruction of the teachers themselves, who are to be placed at the head of these schools."

My Lords, I should be glad to hear any noble Lord get up, and say, he has found a passage like this in any part of the Report of these Commissioners. Alas! there is not a single syllable in it of the kind. I am sure, therefore, that your Lordships will feel that the recommendation of these Commissioners, as far as concerns one great and essential particular, the religious instruction of the teachers, is not only defective, (that would be to say little), but positively vicious. Without religion, all other knowledge can only lead, as it always has led, the corrupt nature of man to a more frightful excess of wickedness. In short, my Lords, by omitting to provide for the effective religious instruction of the teachers, the Commissioners have neglected their first and most obvious duty.

On looking to the grounds on which the Commissioners rest their demands for an accession to their funds, and the extension of their place, I find them declaring—

> "That the system has already been very generally adopted under the auspices both of Protestant and Roman Catholic clergymen, and of Protestant and Roman Catholic laymen . . . . .That it has proved generally beneficial and acceptable to Protestants and Roman Catholics according to their respective wants."

They state, in particular, that no fewer than 140 clergymen of the Established Church, 180 of the Presbyterian persuasion, and 1,397 Roman Catholic clergymen, have been among the applicants for their aid in the establishment of new schools. Now I have taken the trouble to investigate this matter, and I find by the Returns which have been laid before the House, that with respect to the 140 persons described as clergymen of the Established Church who have given in their adhesion to the plan of the Commissioners, there are, in fact, only 80.* If your Lordships look to the Return, which was obtained, with great difficulty, at the end of the last Session, and then only so obtained in consequence of something very like a threat, which was held out by a Noble Baron, not now in this country,—that it would be necessary to make the authority of this House felt, if the Return was any longer withheld—your Lordships will find, that instead of there being 140 applicants from among clergymen of the Established Church, there are in fact only 80. The same persons are registered over and over again, in consequence of their having applied for more than one school. There are two clergymen (I do not mention the fact to their disparagement, for I have no right to suppose them to be not sincere and zealous in the cause), but there are two clergymen belonging to a parish in the diocese of Derry, who have applied for so many schools, that their names are reckoned as thirteen—nearly a tenth of the whole number! And these individuals are the rector and curate of a parish in which there is by no means a large Protestant population. I wish most heartily that the case stopped here, but it does not. I am quite sure that there will be in this House no special pleading in justification of the statement of the Commissioners, on the ground of their speaking of 140 signatures, and of their being, in fact, 140 signatures of clergymen, though not of 140 clergymen. I am quite sure, I repeat, that such a subterfuge would be spurned by every one of your Lordships. I am quite sure the noble Duke at the head of the Commission would not wish that such an answer should be made to the charge; but if it be made, I can then, in reply, refer to another part of the very same Report. My Lords, if you will turn to the Abstract of the Table, No. 1, at the end of the Report, you will find a statement of the number of persons, clerical and lay, who have signed applications for aid in founding those schools. Out of the applicants for 1,106 schools at present in operation, it is expressly and in terms stated, that there are 117 clergymen of the Established Church; and that for the 191 not yet in operation, but building, twenty-three of the applicants are clergymen of the Established Church. Now, these numbers of 117 and twenty-three, make up exactly 140. This, then, is the number of clerical applicants stated by the Board, though there are in truth only eighty, the signatures of the same persons, in many instances, being counted over and over again. I repeat, therefore, that this statement by the Commissioners, of the number of Protestant clergymen under whose auspices the system is said to have been adopted, is not only not true, but contrary to the truth.

But, my Lords, even here the matter does not rest. I have something still to say, which I think your Lordships will consider far more surprising. Your Lordships, I am sure, will bear in mind what took place when this system was originally introduced. I hold in my hand Lord Stanley's letter, which was the foundation of the system, and which contains the principles laid down for the guidance of the Commissioners. That noble Lord says:—

> "As one of the main objects must be to unite in one system children of different creeds, and as much must depend upon the co-operation of the resident clergy, the Board will probably look with peculiar favour upon applications proceeding either from—1st. The Protestant and Roman Catholic clergy of the Parish; or 2nd. One of the clergymen, and a certain number of parishioners professing the opposite creed; or 3rd. Parishioners of both denominations."

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* Eighty-eight names are given in the return. But eight of these do not apply to any of the schools specified in the other return previously made, and are, all of them, open to objection.

Now, these are three different classes, and, as the Commissioners present three classes of applicants in their Report, we are bound to suppose that they intend their classes to be the same as Lord Stanley's—strictly the same; the first class being of schools for which application was made by the resident parochial clergymen of the different denominations. The Commissioners state that the number of applicants of the first class is 140; I have reduced them to eighty, and I shall now proceed to reduce them a little more.

My Lords, circumstances occurred which excited in my mind a strong suspicion of the inaccuracy of the Board in this particular, and I was induced to take some pains in corresponding not only with friends in Ireland, but also with other most respectable individuals to whom I was before a stranger, in order to ascertain the real facts of the case. The results of that investigation I will now take the liberty of stating to your Lordships.

I find that several of the clergymen stated, in the Report of the 25th of March of last year, to be applicants to the Board, have been dead these two or three years,—that several others have withdrawn,—that several others have ceased to have any connexion with the parishes with which they were concerned when the schools were established,—that many had never any connexion with the parishes at all,—and that of the existence of at least one no traces can be found;—in short, I pledge myself, if your Lordships will grant me this Committee, to show, by incontrovertible evidence, that the number of 140 will dwindle down to 40 at most. From one clergyman I have received a letter, stating that, on seeing the name of an individual printed among the applicants for a school in the parish of which the writer was rector, he wrote to him, inquiring how he came to apply for the erection of a school in a parish with which he had nothing whatever to do. The answer was,—

"I happened to be visiting in your parish, and put my name to the application on being told that my doing so did not imply any connexion with the place, or impose any future responsibility. I signed it merely as an individual, and not as the clergyman of, or belonging to, the parish."

This shows the sort of artifices to which recourse has been had, not by the Commissioners, but by partisans of the system. I will not weary your Lordships by going into many cases in remote parts of the country of which there is a great variety, and some of which are very extraordinary. In one instance, the individual described as a clergyman had discarded not only the dress, but the address, of a clergyman; he registered his vote for the county as an esquire, and lost his vote for the false description. My Lords, this worthy applicant to the Board is counted three times, having applied for three schools. He is three of the 140. Noble Lords may testify surprise; but if the noble Viscount will grant me the Committee, I will prove everything I have stated. Meanwhile I will say, that I find this person, once a clergyman, now a layman, styled an esquire in the Report of the Commission for inquiring into the State of the Poor of Ireland in the last year. I do not wish to mention the name of this person publicly, but if the noble Viscount asks me for it I will give it him, whether he grants me the Committee or not.—There is another person in the Return, who I will not say lost his gown, but who had been removed from his cure, twenty years ago, for some act of great misconduct, and afterwards, on endeavouring to thrust himself into active ministry, was removed by the Bishop. That person has applied for two schools, and he is two of the 140. In some other cases the names put down are gross forgeries.

But, my Lords, there is one case peculiarly worthy of remark. For where did it occur? In a remote part of Ireland? No, my Lords, in the city of Dublin itself. The name of Robertson, a supposed clergyman, is given in an application of the first class for the establishment of a school in the parish of St. Peter's, which is part of the corps of the archdeaconry of Dublin. Now, the archdeacon himself has written to me, stating not only that there is no such clergyman among his curates, or connected with him, but that he absolutely does not know the name—and another friend informs me, that he has inquired diligently, but inquired in vain—for no one knows of the existence of such a person. Can this have been a mistake on the part of the Commissioners? I have no doubt they thought this person belonged to Dublin—but did they believe he was a resident clergyman in the parish for which he applied? The very circumstance of their not having ascertained the fact is, to my mind, a clear and manifest proof that they do not take the trouble to make the inquiries which they ought to deem necessary. Their not having done so in this case, in which the proofs lay at their own door, shows that they have not considered it to be a part of their duty to do so at all;—in short, my Lords, I say, confidently, that as the Commissioners have not thought proper to ascertain the authenticity of the signatures to these applications, they have neglected their most obvious duty—nay, they have pursued a course which was manifestly likely to provoke, and has, in fact, provoked, very disgusting fraud.

My Lords, the case which I have just mentioned occurred, I repeat, within the city of Dublin, within the jurisdiction, therefore, and under the eye, of one of the Commissioners—the Archbishop of Dublin—who had it in his power most easily, by merely looking into his Diocese Book, to ascertain,—and I should have thought he would have felt it to be his duty to ascertain—whether the application for this school in Dublin, professing to be made by a clergyman of the Church of England, was really made by the clergyman of the parish, before he permitted his own name to be affixed to this Report; much more, before he came to Parliament, claiming increased means for the extension of the system, and founding his claim on the alleged number of clergymen of the Church of England who support it.

But this has not been confined to the city of Dublin. Within the very same diocese, in a parish very near the country residence of a noble and learned Lord (Lord Plunket), the parish of Delgany, a similar case has occurred. Two clergymen of the Church of England are stated as applicants for a national school there. My Lords, I have the happiness of being acquainted with the clergyman of that parish (the reverend Mr. Cleaver), and believing that he was ardently opposed to this unscriptural plan of education, I requested a common friend to inquire of him how it happened that two of his curates had applied for a national school to be established in his parish. "Two of my curates!" said this gentleman, "it is impossible. I know nothing of any such school." and then came an explanation. The names of those two applicants were Colbourne and Morrison. Mr. Cleaver assured my friend that they had nothing whatever to do with his parish. One of them, indeed, had no pastoral connexion with any parish at all, and the other was resident on his living in a distant part of Ireland, coming to the neighbourhood of Delgany only as an occasional visitor. But the case does not end here. Mr. Morrison, finding that his name had been put forth as one of the applicants for this school, immediately wrote to Mr. Cleaver, assuring him that he never had signed any such application, and that he wondered who it was that had had the audacity to put his name to such a document. The other gentleman is now in Italy, and, therefore, whether his name was forged or not cannot be ascertained. Be this as it may, it is enough for my argument that neither he nor Mr. Morrison had any connexion with the parish of Delgany. Yet their names are made to swell the list of clerical applicants to the Board, and that, too, on account of a parish in the diocese of Dublin, though the Archbishop of Dublin must have known that they had nothing whatever to do either with the parish or with the diocese, and had no right whatever, therefore, to appear as applicants of the first class in this Report.

So much for the clerical applicants of the Established Church. The number of Presbyterian clergymen stated to be applicants is 180. My Lords, I have taken the trouble of examining, and I find that though the number of applications is 180, the number of applicants is about 90. But this is not all. I wrote to a distinguished minister of the Presbyterian Church in Ireland—a man of very high character; and from him I have received a report, by which it appears that many of these names are of persons not Presbyterians—in short, he reduced the number to about seventy. Without, however, taking this into account, and without any evidence in Committee, but upon the mere showing of these Returns, instead of 180 clerical applicants of the Presbyterian Church, there are, in truth, only ninety. Now, these mis-statements—this, at least, will not be deemed too strong a term to apply to them,—are not merely otiose and inoperative declarations; for the Commissioners who make them say, that it is because they have 140 applicants, who are clergymen of the Church of England; and because they have 180 applicants, who are clergymen of the Presbyterian

Church in Ireland, that they are justified in saying that their system has been "very generally adopted under the auspices of Protestant as well as Roman Catholic clergymen;" nay, to "have been found generally beneficial and acceptable to Protestants and Roman Catholics, according to their respective wants." Will your Lordships allow them any longer to claim this as a ground upon which to rest their demand for an enormous increase of their funds, and an unlimited extension of their operations? before you do so, I am quite persuaded that when you are solemnly assured, that in Committee I shall be able to prove the facts, I have now stated, you will not refuse the inquiry which I ask.

My Lords, I will now trespass upon your Lordships with some statements on another part of the subject,—I will endeavour to show to you from the disbursement of the funds of the Board, what has been their success in satisfying the people of Ireland, of both Churches alike—Protestant and Roman Catholics.

There were, at the time this Report was made, 1,106 schools in operation; and your Lordships are told by the Commissioners, that these schools are "found to be generally beneficial and acceptable to the members of the different religious communions in Ireland, according to their respective wants." Now, it appears that of these 1,106 schools, 713 have been applied for by Roman Catholic priests alone, without any other clerical applicants whatever. The clergy of the Church of England, alone, have applied for nineteen but of these, nine only are applied for by those who are resident parochial clergy of the parish. Your Lordships will therefore perceive that as 713 to nine such is the comparative approbation of the Roman Catholic priests and clergy of the Church of England of this system. The Roman Catholic priests have received 5,525*l.* 18*s.* 3½*d.* for building; the resident parochial clergy of the Church of England have received, under this head, nothing. The Roman Catholic Clergy have received for fittings-up 4,571*l.* 0*s.* 3*d.*; those of the Church of England 29*l.* 5*s.* 10*d.* The Roman Catholic priests have received in salaries to teachers 6,587*l.*; the parochial resident clergy of the Church of England have received only 66*l.* The Roman Catholic priests have received for school requisites 2,586*l.* the parochial resident clergy of the Church of England, 26*l.* the Presbyterian clergy alone have applied for 36 schools, and have obtained 145*l.* for building, 155*l.* 8*s.* for fittings-up, and 292*l.* for salaries.

But it does appear that in some instances the clergy of the Church of England have applied in conjunction with the Roman Catholic priests. There are 124 schools for which the clergy of the two churches have joined in their applications. These have received 811*l.* for building; 502*l.* for fittings-up; 1,286*l.* for salaries; and 334*l.* for school-requisites. But of these, fifty-six only have been applied for by the resident parochial clergy of the Church—those whose co-operation is deemed, in Lord Stanley's letter, necessary for the perfect carrying on of the system these have received for building 206*l.*, for fittings-up 336*l.*, for salaries 719*l.*, and something for school-requisites.—There are, 110 schools, for which Presbyterian clergymen have joined in application with Roman Catholic priests; receiving for building 725*l.* 19*s.* 2*d.*, for fittings-up 624*l.* 10*s.* From these, however, deductions should be made on account of those who have withdrawn from connexion with the Board, or who are not really Presbyterian clergymen; the exact number of these is not known.—There are fifty-seven schools in operation, for which Roman Catholic priests have been joined by Roman Catholic laymen only; receiving for building 220*l.*, for fittings-up 384*l.* 4*s.* 11*d.*—There are twenty-four schools under the superintendence of nunneries, monasteries, or religious houses; receiving for building 517*l.*, for fittings-up 389*l.* 6*s.* 10*d.*

So much for the schools already in operation. But there are 191 cases of schools now building, and not yet in operation, in which the difference in favour of the Roman Catholics is far more inordinate than in the others. The applicants for these 191 schools have received for building 18,343*l.* 15*s.* 5*d.*; 132 have been applied for by Roman Catholic priests without any other clerical applicants, and have received for building 13,341*l.* 8*s.* 4*d.*, two have been applied for by clergymen of the church without other clerical applicants, and have received for building 199*l.*; in neither case was the applicants the resident Minister of the parish. Three have been applied for by Presbyterian clergymen without other clerical applicants, and have received for building 56*l.* 13*s.* 4*d.* There are eighteen for which clergymen of the Church have joined Roman Catholic priests, and received for building 1,227*l.* 7*s.*; of these, ten only have been applied for by the resident parochial ministers, and have received for building 707*l.* 7*s.* There are thirteen for which Presbyterian clergymen have joined with Roman Catholic priests, and received for building 1,214*l.* 2*s.* 6*d.* There are fifteen for which Presbyterian and Roman Catholic laymen have applied and received for building 1,558*l.* 7*s.* 6*d.*; there have been three applied for by Protestant laymen alone, and have received for building 212*l.* 18*s.* 8*d.*; there have been five applied for by Roman Catholic laymen alone, and have received for building 544*l.* 1*s.* 8*d.*

So much for the distribution of the funds of the Board—so much for the proof thence derived of the system being generally beneficial, and acceptable to Protestants and Roman Catholics alike, in proportion to their respective numbers and wants.

But I must not rest this part of my case here. It may be said, that this is only a proof that the clergy of one persuasion are well disposed towards the system, while those of the other persuasion are determined against it. [The Duke of *Leinster*—*Hear, hear!*] I am not surprised to hear that cheer; it is very natural, coming from the noble Duke; but I must state that the scheme was not originally introduced merely as suiting the inclinations of one party in preference to those of the other; but, it was avowedly introduced as a scheme intended and designed to be equally beneficial and equally satisfactory to both. My Lords, this it is which makes the acceptance of the scheme by the different parties to be the fair test of its success. A scheme set on foot professedly favourable to persons of one religious persuasion, will, of course, have applicants only or chiefly on that one side, and that in proportion to the degree in which the persons of that persuasion consider it to be favourable to them. But this system of education in Ireland professes to be a national system; it is maintained by the national purse, and undertakes to meet the wants and the wishes of a whole nation. When, therefore, it is repudiated by one great section of that nation, it is manifest that the scheme has failed.

It may, however, be said that there is a violent and unreasonable prejudice against it on the part of the Protestant clergy. Nay, the noble Viscount at the head of his Majesty's Government, the other night, expressly charged the Protestant clergy with bigotry or fanaticism for rejecting the system. "If the bigotry or fanaticism of one party," said the noble Lord, "made them refuse to avail themselves of the scheme offered to them, that was no reason why the benefit of it should not be extended to others." But, in order to enable the noble Viscount to make that statement, he must show, first, that the real tendency of the system is beneficial to both—fair and equal to both. Now, my Lords, it is notorious that this scheme, in its very outset, started with a declaration that the Bible must be excluded from the schools at the time of united instruction. Why? Because the Roman Catholic clergy did not like it; because, on conscientious grounds, they objected to a scriptural education being attempted to be given to Roman Catholic children. This was expressly called "a vital defect" in the former systems of instruction, supported by the public funds. But, my Lords, is it not very conceivable, that conscientious men on the other side may entertain objections—and I am bigot and fanatic enough to avow that they appear to me very reasonable objections—to the system actually set on foot, because the Bible is not included? Surely, it is a little hard for them to be condemned and branded with the reproach of bigotry and fanaticism, —very awkward and unpopular phrases, in these times especially,—for adhering to their consciences, in spite, I will say, of a degree of temptation to the contrary, which has rarely been met with equal resistance. For, allow me, my Lords, to ask the noble Viscount, what but conscience could have induced the Protestant clergy of Ireland to abstain from gratifying, at once, the Government and the Roman Catholic people, and sparing their own miserably impoverished purse, by applying to the National Board for assistance in support of their schools? My Lords, it is quite notorious that this was a sure and adequate means to obtain the favour of Government in Ireland. When, therefore, persecution in the fiercest form was directed against the clergy of that country, and when they did not take this easy and gainful course to check it in its full career, it is impossible that anything but the most exemplary and conscientious adherence to their own sense of their own duty could have influenced them. My Lords, I honour that venerable body, the clergy of Ireland, more than I can express; but scarcely for anything do I honour them more, than for their conscientious adherence to what they believe, whether rightly or not, to be sound religious objections to this system. But I return to my proper subject.

My Lords, in looking to the operations of the Board, I find one class of cases to which I request your particular attention. It appears, by the return made to your Lordships, that of the number of schools in operation, twenty-four are under the superintendence of nunneries, monasteries, or other religious bodies, and that these schools have received more aid from the Board than all the aid given to the applications from the parochial clergy of the Established Church alone. Now, I will venture to put this matter to the candour of the noble Viscount and his friends—for I am perfectly sure that their liberality does not go so far, as to expect the clergy of the Established Church, or the laity of that church, to send Protestant children to be taught by monks and nuns in these schools—I am quite sure that they must see that the very circumstance of these schools being under such managers, is, in effect, an exclusion of Protestant children from them. I put it, therefore, to their candour, whether a single instance of this sort would not be a violation of the principle upon which this system professes to proceed; yet we have seen that the Board admits no fewer than twenty-four such instances; and I here promise, if the noble Duke who cheered me a little while ago, will prevail upon his noble Friend to grant this Committee, that I will undertake to double the number of those twenty-four exhibited in the Return. My Lords, I am ready to produce an individual of high character, integrity, and accurate observation, who has himself ascertained the existence of nine others not included in the Return, and is willing to testify to that effect, on his oath, before any Committee which your Lordships may appoint. Nor is this a solitary instance. I will produce other witnesses ready to prove other cases of the same kind. I also pledge myself to prove, by the sworn testimony of several persons of the highest respectability, who may defy contradiction, that in those schools under the direction of religious communities, into which two or three stray Protestant children may find their way, there is exhibited to their view that which Protestants are taught to consider —and on the soundest principles consider —the grossest idolatry.

If the Committee shall be granted, I am prepared with evidence to show, that in one of the schools under the superintendence of a monk, there has been erected an altar; that for more than two years the service of the mass has been performed there during school-hours, and in the presence of the half-dozen Protestant children who may have been induced to attend the school. The clergyman of the parish in which this took place brought it to the attention of one of the commissioners of Public Instruction, who undertook to represent it to the Board. No doubt that gentleman fulfilled his undertaking, for subsequently an order came down from the Board to remove this altar. But, my Lords, it is necessary for me to state, that before this representation was made to the board, one or other of the inspectors had been frequently there; and, if he had inspected anything, he must have seen this altar, and, if he had inquired about anything he must have been informed of its use. Be this as it may, after the representation to the commissioners of Public Instruction, an order came down for the removal of this altar; but some time afterwards the curate of the parish, to his utter surprise, saw the altar still continue, notwithstanding its prohibition, and on asking the superintendent "How comes this?" he was told by the leading monk, that he had got the special permission of the board to keep the altar in the school till the new Roman Catholic chapel, then building in the same parish, should be ready to receive it, the outer walls of which were only at this time erected.

I can produce another case in which, on the Board having granted a considerable sum for the fitting up of a national school for boys, under the management of a monastic establishment, the money had been applied in discharge of the expenses of building a nunnery; and, in another instance, I can prove, on the testimony of Commissioners of Public Instruction—of those who are thought worthy of the confidence of his Majesty's Ministers—and that, too in a case, in which a Roman Catholic Bishop was concerned—that the sum of 100*l.*, granted by the Board for the purposes of a school, was abstracted from the uses for which it had been granted, and applied towards the building of a Roman Catholic chapel.

My Lords, your Lordships will not imagine that I mention these facts, now, as instances of the carelessness of the Board in dispensing the money intrusted to their care. The money-consideration is the smallest part of the case; for let it be remembered, that money cannot be misapplied in this case without leading to far worse consequences than mere waste.

But these schools have not only been instruments of extorting funds for promoting the purposes of the Roman Catholic religion, but they have also been made the theatres of the coarsest and fiercest Roman Catholic agitation. I can prove, that, in one of these places, a dinner was given to a person whose very presence implies agitation—to Mr. O'Connell. In another of these schools a dinner was given to the arch-agitator of the West—I mean the so-called Archbishop of Tuam, Dr. M'Hale. In another parish, the master of the national school went forth at the head of an organized body—organized by him—in honour of this same Dr. M'Hale, and met him with banners, on which were inscribed the words "Liberty and Religion." Your Lordships will understand what was meant by the word—"Liberty," when you bear in mind that this took place immediately after Dr. M'Hale came fresh—I had almost said reeking—from the dinner of agitation at Tuam, a dinner at which speeches were delivered, which in other times, I will leave to your Lordships to say whether better times, would have excited some curiosity on the part of his Majesty's Attorney-General.

My Lords, a clergyman residing in the parish, where the procession took place under the direction of the national schoolmaster, felt it his duty to make a representation on the subject to the Board; and he received an assurance that the matter should be inquired into. No inquiry, however, having been instituted, after an interval of several weeks, this gentleman renewed his remonstrance. After this second application, the Board, without the slightest notice to the clergyman, sent down an inspector; but unhappily, for want of notice, no witnesses were forthcoming—those who could have proved the case were absent, and so off went the inspector, and no further notice was taken of the affair. Another complaint, on account of another act of misconduct; was made against the same schoolmaster; in reference to which the clergyman received from the Board a simple intimation, that there had been an inquiry by their inspector, and that they were satisfied. The clergyman did that which he felt due to himself and to common justice—he requested that he might see the Report made to them by the inspector; but the Commissioners refused to comply with this very reasonable demand. My Lords, on this case I must add one further particular. The complaint stated to the Board, that the schoolmaster charged with these offences was a man who had been dismissed from another employment for using treasonable, or at least seditious language to the coast-guards. He referred them to proof of this fact also; but to this they thought proper to pay no attention whatsoever.

I now proceed to a case which I am sure will appear to the House to be of a grave character, and one which makes me confident that I shall obtain the assistance of the noble Marquess near me (the Marquess of Lansdowne) in obtaining this Committee which I ask. I am assured, and I believe I can prove the fact, that in a national school built on the property of that noble Marquess, and under the patronage of the noble Marquess's agent, the boys, just after the execution of certain persons who had been tried and condemned by the special commission in Queen's County, were found writing these words as their copy—of course set them by the master—"God be with the poor fellows that were hanged at Maryborough." [A *Noble Lord*:—This might be a charitable wish.] My Lords, I hear that this might have been only a kind and charitable wish. Now, will the noble Lord who so loudly whispers this, or will any one of your Lordships gravely get up in his place and tell me, with a firm countenance, that he thinks it was so intended? Is there any one of your Lordships who is not sure that those words were put before those children to imbue their infant minds with feelings of disaffection to the law, to make them honour the men, who had justly suffered for their crimes, as martyrs; to teach them, from their earliest infancy, to side with the violators of the law, to sympathize with them, and to regard the law itself as a system of tyranny and oppression.

My Lords, I will not trespass on your patience with any more particular cases, though many more I have, which I reserve for the Committee. The main point, after all, is this,—whether this system carries into effect the principle on which it professes to be founded,—whether, as is the declared object in the Report of the Committee of 1828, which Lord Stanley's letter directs the Commissioners to follow up,—the main question, I say, is, whether these schools give to the children of Ireland a combined education of Roman Catholics and Protestants, resting on religious instruction? My Lords, in proof of the affirmative, it is stated that certain lessons, extracted from the Scriptures, are constantly used in the schools. On a former occasion, I, and those who view this matter as I do, were reproached for not ascribing sufficient importance to these Scripture extracts, as part of the instruction of the Board's schools; but, my Lords, be the value of these extracts what it may (of that I shall say something presently), they are not commanded, but merely recommended to be used. And how far this recommendation is likely to avail, may be guessed from the declared opinion of Roman Catholic Prelates respecting Scriptural education. I recollect that Dr. Doyle declared to Parliament, that the use of Scripture in the instruction of children is radically wrong, and mischievous in itself. The united judgment of the Irish Roman Catholic Bishops, proclaimed to Parliament in their petition of 1824, is to the same effect. After this, your Lordships will judge whether it is probable that Dr. Murray, the Roman Catholic Archbishop of Dublin, will very earnestly, or very sincerely recommend the use of these Scripture extracts. So far from being constantly used, the truth is, that in a large proportion of the country they are not used at all. They are kept to be shown to such strangers as may manifest any curiosity about the matter; but those who have examined them will tell you, that the very appearance of the books is a proof that in many instances they are not used. In Dublin, at one of the national schools, a monk, who was the manager, told a very respectable individual whom I am ready to produce, that they rejected these extracts with scorn. Nay, I go further: I am ready to show, that in schools under the immediate patronage of Dr. Murray, who professes to join in this recommendation, the Scripture lessons are not used.

And here, my Lords, I am reminded, that a few weeks ago, a noble and learned Lord (Lord Plunkett) was pleased to reproach me with being a false prophet, because, at the commencement of the Board's proceedings, I ventured to predict that no Scripture extracts would be ever used in these schools. My Lords, I plead guilty to the noble and learned Lord's charge. I certainly did make the prediction with which he now taunts me; but for making it I am not altogether without what the noble and learned Lord, at least, may consider something of an excuse. I ventured upon that prediction on the authority of the noble and learned Lord himself.

My Lords, I well remember, and your Lordships in general will not have forgotten, the eloquent and triumphant speech in which, some years ago, the noble and learned Lord called on this House, more especially on the reverend Prelates, who were seated on this Bench, to have confidence in Roman Catholics, so far at least to have confidence in them, as to believe them on their oaths. Now, when I ventured on that prediction, with the falsehood of which the noble and learned Lord reproaches me, I did what he called on your Lordships to do—I believed the declaration of a Roman Catholic Archbishop made upon his oath. In doing so, I own that I was wrong; I own that I have justly subjected myself to the taunt of the noble and learned Lord, and I promise him that I never again will offend in like manner. But true it is, my Lords, that I said, in 1832, that no Scripture extracts could be agreed upon by the different members of the Board. I said this, because I was sure that the Protestant Commissioners could not consent wholly to abandon the Protestant version of the Scripture, and adopt the Douay version in its place. On the other hand, I believed that the Roman Catholic Commissioners would admit of nothing but the Douay version; therefore I said that no Scripture extracts could be agreed upon. I believed this, and ventured to predict t accordingly, because I knew, (I forget whether I then stated such to be the ground of my belief,) that Dr. Murray had so sworn before the Commissioners of Irish Education Inquiry in the year 1824. I have the Report of these Commissioners before me, and will read an extract from the evidence of Dr. Murray upon which I founded my prediction. He was asked,

"Supposing that portions of Scripture should be extracted in the words of the Protestant authorized version, for instance, would there be any objection to their being used equally by Protestant and Roman Catholic children?"

Dr. Murray's answer upon his oath was this:—

"I think that if any words attributed to our Saviour were given in any other form than that which is set down in the Douay version, an objection would lie against it. As to extracts, if they are given as Scripture, it must be remembered that we have all along said we could not propose to the children anything as Scripture except what is taken from our own version."

When Dr. Murray made this declaration, the Commissioners reminded him that, on a former occasion, he had spoken somewhat differently, that he had stated that no difficulty would arise in the arranging of a harmony on the part of the Roman Catholic clergy, and the Commissioners wished to know whether the making it a *sine qua non* that the harmony should be compiled from the Douay version *in omnibus*, appeared to be in accordance with that statement? Dr. Murray's answer was:—

"I expressed that as my opinion, without foreseeing all the difficulties which have since arisen."

Your Lordships will perceive that Dr. Murray here has positively sworn that after the difficulty had been brought to the attention of himself and the other Roman Catholic Bishops, they felt that they could not adopt the course proposed, because they could not permit anything to be exhibited as Scripture, except in the form in which it appeared in their own version. This, I repeat, he solemnly swore: he swore to the same effect, again and again; and because he did so, I believed that he would not and could not concur in any sort of Scripture extracts in these schools.

It will not be said that these Scripture extracts do not purport to be Scripture. The volume I hold in my hand is declared to contain the whole Gospel by St. Luke, accompanied by passages from other parts of Scripture.

And here, my Lords, I am compelled to make some remarks on these Scripture extracts, which do not apply to the Roman Catholic Commissioners alone.

My Lords, I repeat, and your Lordships will find it worthy of your notice, that the preface declares that this volume contains the whole Gospel of St. Luke. And yet, my Lords, I had not gone through three pages before I found a very considerable chasm, not in size but in importance, extending to ten verses only, I admit,—to ten verses of the 1st chapter of St. Luke, the 28th to the 37th inclusive. But this is a passage of the greatest importance in the estimation of all Christians—aye, my Lords, in the estimation of all who call themselves Christians. Even those persons who thought fit to set forth a book, some years ago, which they facetiously entitled, "An improved version of the New Testament," even they felt the importance of this passage very strongly, and they showed how strongly they felt it, by leaving it out altogether. They left out the whole of the 1st and 2nd chapters of St. Luke, and the 1st and 2nd chapters of St. Matthew, because they thought proper to disbelieve the great doctrine contained in them. Now, my Lords, I have no hesitation in saying that this part of the 1st chapter of St. Luke, which the Commissioners have left out, is one of the most important passages—perhaps I might say the most important passage—in the Gospel of that Evangelist. It is so in the estimation of our Church, because it gives more fully than is elsewhere given in the Gospels, the account of the incarnation of our blessed Lord. I have already shown, that it is most important in the judgment of the Unitarians also. My Lords, we are told that one of the Commissioners is an Unitarian, and it has been suggested, that this was a concession to his peculiar feelings, which perhaps coincided with those of the authors of the improved translation. For one, I do not believe it. I do not believe that that gentleman sought or wished such a concession. I will not believe that the Unitarian Commissioner is one who maintains all the absurdities and wickedness which some other Unitarians may maintain. But this having been suggested as a probable reason for the omission, I notice it merely in order to declare that I do not believe it. To the Roman Catholics it is a passage, of all others, the most venerated. It is a passage on which they found, and by which they justify, the worship offered up by them to the Virgin Mary, which worship is set forth in the books sanctioned by the Roman Catholic members of the Board, in terms, I need not say, of the highest and most solemn import. In short, my Lords, it is certain, and undeniable, that, in the eyes of all these Commissioners, this is a most important passage, and yet they left it out. Why was this? My Lords, the reason is not very difficult to be discovered. It is simply and merely, because it was impossible for the Protestant and Roman Catholic Commissioners to agree in translating one leading word in the passage;— the word addressed by the angel Gabriel to the Virgin Mary, which the Roman Catholics render "full of grace," and found upon it, I repeat, that worship of the Virgin which we deem idolatrous. The Protestants, on the other hand, reject that translation; both because it is not faithful to the original, and also because the phrase "full of grace" is applied in Scripture only to our Lord himself. They could not, therefore, adopt it instead of their own literal version of the word, "highly-favoured." And as neither party could give way, the difficulty was got rid of by the very obvious, though, considering the declaration in the preface, the not very honest, expedient, of striking out the whole passage, and substituting an unauthorized summary of four lines in its place.

My Lords, I need not trouble your Lordships or myself with any argument to prove, that the omission of this passage amounts to a mutilation of the Scriptures; but if I required authority for such a judgment, I should find it in the emphatic words of one of the Commissioners themselves, in the answer of the most reverend Prelate, the Archbishop of Dublin, to an address of the clergy of his diocese in the year 1832, in which they had deemed it necessary to remonstrate with him on the proposed Scriptural extracts, then much the subject of discussion as mutilations of Scripture. The passage of the answer to which I refer is in these words:—

"A mutilated book means, according to all the usage of language hitherto, one which professes to be entire when it is not; as for instance, when any one strikes out as spurious (which some have done) the opening chapters of Matthew or Luke, and then presents the book to us as the New Testament, we should rightly term this a mutilation."

My Lords, I willingly adopt this very accurate definition, with the happy illustration which accompanies it, and now, I leave it to your Lordships to decide whether this little volume which I hold in my hands, the whole Gospel of St. Luke, according to the Commissioners, be, or be not, a mutilation of Scripture?*

The mention of explanation suggests the fitness of another inquiry.

One of the most unhappy particulars in the History of the Board was its abandoning the regulation originally laid down, that copies of the New Testament should be supplied to all the schools, to be read by all the children, at the times of separate religious instruction,—the authorized Version for the Protestant scholars, and the Douay Version, an edition of which had been prepared expressly for this purpose, on the requisition of the Commissioners of 1824, by the Roman Catholic Prelates, for the children of that communion. This regulation, which had been first made by the Commissioners of 1824, was adopted by the Committee of the House of Commons in 1828,—in deference to that great principle, which no true Protestant can ever relinquish, that the Word of God being the foundation of all true religion, access to it is the indefeasible right, and acquaintance with it the indispensable duty, of every Christian. Accordingly, when it was known that this important regulation had been abandoned, no one doubted

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* It is proper to remark—and I hope the remark may call forth some explanation—that the Archbishop of Dublin, in an elaborate speech which he delivered in the House of Lords on Tuesday, March 19, 1833, in justification of himself and his Brother-Commissioners, not only repeated the definition which I have cited above, saying "As to a mutilation of the Scriptures, I have always understood that to be, the publication of what professed to be a book, which it is not," but actually referred in the following terms to this, "2nd number of Scriptural Lessons, taken from the New Testament, which is not yet published, though the whole is now completed (March 1833) with the exception of half of one sheet. *This number contains the whole of the Gospel of St. Luke*—that 'mutilated' portion of the Scriptures, *The entire Gospel of St. Luke!*"—Mirror of Parl. 1833.

When the most reverend Prelate made this declaration, and made it in so exulting a tone, he was either cognizant of the "mutilation" which has been here exposed, or not cognizant. If cognizant, he will admit that those whom he thus addressed have a right to ask for some explanation. If he was not cognizant of it—if the thing was done without his consent, and even without his knowledge—he will probably consider it due to himself—it certainly is due to the country—that so extraordinary an occurrence should be traced to its proper source.

My Lords, I will not, on the present occasion, enter into further minute examination of these Scripture extracts, because I feel that your Lordships' House is not the proper place for a discussion of that nature, a Committee being, in my judgment, much more suitable to such a purpose. There are one or two observations, however, which I cannot refrain from making. It will, probably, be recollected, that the noble and learned Lord, the last time this subject was before the House, defied me to lay my hands upon any passage of the books in question, to which exception could fairly be taken. To that challenge I now reply, that I am perfectly ready and anxious to go into a Committee with the noble and learned Lord, and that I undertake to prove, if your Lordships will give me an opportunity, several gross corruptions of the truth in that volume, which professes to form the scriptural part of the education of the people of Ireland—all those corruptions tending to favour the erroneous doctrines of the Church of Rome. Indeed, in the Committee I could prove, that almost all the proceedings of the Board, under this system, have a tendency to promote the Roman Catholic faith at the expense of what Protestants believe to be the true religion.

My Lords, I make no further observations at present on these boasted Scripture extracts. But there are other books used in these schools at the time of the separate religious instruction of Roman Catholics, and recommended by the Commissioners, which would warrant some remarks, if I were not afraid of abusing your Lordships' patience. Let me only state, that in one of them the children are taught, that the worship of God in the Protestant Church is rejected by Him as impious and sacrilegious, that our translation of the Word of God is false and corrupt, and that the state of the Protestant people in Ireland is most dangerous and deplorable; because they have put into their hands, instead of the Word of God, only corrupt translations, which present them with a mortal poison instead of the food of life.

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that this had been done in concession to the Roman Catholics. But a paper, laid before Parliament last year, entitled "Extract of Correspondence between Sir Henry Hardinge and the Board of Education in Ireland, dated January, 1835," has thrown a new light on the subject. It is there stated, that the Protestant, not the Roman Catholic, Commissioners were the authors of this lamented change—a change, which has done more to give a Popish character to the whole system, than anything, or everything besides. The following is the account of it:—

"It may be right here to observe, that this Committee of the House of Commons recommended" (rather, it was a main part of the system of this Committee, as it had been a main part of the system of the Commissioners of 1824) "that copies of the New Testament according to the Protestant authorized version should be supplied to the different schools for Protestants, and according to the Roman Catholic version, to which notes are appended, for the Roman Catholics. But when Mr. Stanley communicated with the intended members of the present Board, before it was finally instituted, difficulties were expressed by the Protestant Ecclesiastics as to their circulating the Roman Catholic version of the New Testament." The paper proceeds to state, that this scruple was suffered to prevail, and that the regulation was given up.

The Archbishop of Dublin here says, that he had felt and "expressed difficulties, as to circulating the Roman Catholic version" — in other words, as to putting that version into the hands of the Roman Catholic children, although the alternative manifestly was, that those children should have no version of the Scriptures whatsoever—nay, that the New Testament, in every version, should cease to be a necessary school-book, under this national system of education, even at the time of separate religious instruction, whether for Protestants or for Roman Catholics. The reasons must have been cogent which compelled a Protestant Archbishop to insist on an objection leading, of necessity, to such a result—still more, which prevailed with him, to continue the sanction of his high authority and co-operation to a system which could not be carried on without a sacrifice so distressing to his feelings, and so much at variance with his principles. Be this as it may, I have too much respect for a conscientious scruple, especially a religious scruple, to inquire very rigidly into its reasonableness—I ask not, therefore, what were the reasons for the scruple;—I only ask how the scruple itself can be reconciled with the following passage of an answer, written about the same time, to a remonstrance of his clergy against the use of the intended Scripture extracts, "because such a volume, to be acceptable to the Roman Catholic Hierarchy, must be in the language of the Douay and Rheims Version of the Scriptures."

"The Douay Version," says the Archbishop, "is permitted to be used under the Kildare-place system"—"and I *agree* with them" (the promoters of the Kildare-place schools) "*in thinking, that there is no translation of the Bible extant, which is not better than none, when that is the alternative.*'—REPLY OF ABP. OF DUBLIN, p. 21.

But I will not say more. I hope I have already laid sufficient ground to justify me in asking for this inquiry. I hope, too, that your Lordships are of this opinion—still more I hope, that the noble Lords near me will feel it to be their especial duty to permit a Committee to be appointed. I say their especial duty, for most undoubtedly, I have made out a *primâ facie* case, charging great culpability on the Commissioners; and if the Ministers of the Crown screen them from the inquiry which is demanded, I shall then think that Ministers are—what I do not now consider them to be—responsible for the misconduct of those Commissioners. But, my Lords, if there are among your Lordships any who have friends among the Commissioners, to them, above all, I confidently address myself: they will, I am sure, do what the Commissioners themselves, if they were present,—and what the noble Duke who is present (the Duke of Leinster), must be anxious to do—they will earnestly join me in conjuring your Lordships to permit this inquiry.

In seeking a Committee, I can assure your Lordships that I have no intention of proposing the destruction of the (so called) national system of education. I never disguised my opinion of that system in its origin, and I never will. But it is a very different thing to look at a system before it is established and afterwards. I do not think it right to make away with established institutions, even if they are dangerous or mischievous, provided that they can be made tolerable; and this system, I think, may be made at least tolerable, by introducing into it two easy, but important, temperaments. I will state to your Lordships the two particulars which, in my opinion, would go very far indeed to remove the objections to the system; and, then, all that would be necessary would be, that the system, so amended, should be fairly and firmly carried into execution.

One change which I would suggest is founded upon the demand made by the Synod of Ulster, to which Lord Grey assented,—namely, that during school hours there should be a regular Scripture lesson every day—that the children should then read from the Holy Scriptures themselves for a time; at which lesson, however, it should not be necessary that all the children should attend, or that any child should attend whose parents objected to it.

Another great point, and one which, in my opinion, it is the bounden duty of the British Legislature to secure, is—the protection of the Roman Catholics of Ireland from the tyranny of their priesthood, by insisting that that priesthood shall not do that which all of your Lordships must feel to be in absolute defiance of God's Word, and an act of most unjustifiable tyranny,—I mean, that they should no longer be permitted to exclude their people from access to the word of God. My Lords, in order to effect this great, this paramount object, I would propose nothing of which the Roman Catholic priests themselves could justly complain—I would be satisfied with requiring that to which Dr. Murray said there could be no possible objection.

The Commissioners, in 1824 and 1825, feeling the absolute necessity of insisting on an adequate exhibition of the Word of God to all the children who were going through a course of Christian education, under the sanction and at the charge of a Christian government, required the Roman Catholic Bishops to produce a translation of the New Testament, with such notes as they might think fit to put into the hands of Roman Catholic children in all the schools which the State should support. Having done this, and having obtained from the prelates such a Testament, they asked Dr. Murray whether there would be any objection to the Protestant and Roman Catholic children reading the New Testament in the same class, at the time of united instruction, each out of their own version? To this Dr. Murray observed, that serious difficulties would exist in the way of such an arrangement; and in lieu of it, proposed that a harmony of the Gospels should be used in the common education of Roman Catholic and Protestant children, and that the Holy Scriptures themselves should be used only at the time of separate religious instruction; at which time, he said, there could be no possible objection to the Roman Catholic children reading out of the Sacred Volume, the Gospels, and Epistles of the week. These, in the Roman Breviary, are far more numerous than in our Prayer-book, and include a large portion of the New Testament.

My Lords, I hope and believe, that if this and the other suggestion, which I have made, were adopted, they would go very far to remedy the great evils of this system, at present complained of by so many of the best Protestants of all denominations in England, in Scotland, and in Ireland. Surely this is not asking much: it is asking only, on the one hand, for the observance of that rule which the Commissioners themselves have said might be properly adopted; and, on the other, it is asking only that that should be insisted upon, which Dr. Murray himself proposed, and to which he said there could be no objection. On the authority, then, of Dr. Murray, I ask this from your Lordships—I ask, that you will give the children of Ireland access to the Holy Volume, for the reading of those portions, at least, of the Scripture, which Dr. Murray said might be read with propriety. The great mischief of all in Ireland is, that the mass of the people in that country do not really know what the Holy Volume is. They never see it; they know nothing of it. That which we, as Protestants, are most anxious to obtain is, that the Roman Catholics should be allowed to see the Holy Volume,—that they should become familiar with it,—that they should be taught to know that it contains the Word of God and of truth.

My Lords, I have done; I hope that I have avoided, as I have sincerely intended to avoid, even the appearance of pressing this motion in any way that should give to it the character of hostility to the Government. I assure his Majesty's Ministers, that I do not look upon this question as one of party feeling. Far from it—it is a matter which interests all, infinitely more than the most important party question that ever was proposed. My Lords, I say this from the regard which is due to your feelings, no less than to my own. I am sure, that every one whom I address must feel, that a question which involves the religious principles, the most solemn duties, the everlasting interests, of all the poorer classes of our fellow-subjects in Ireland, Protestant as well as Roman Catholic, is one which, more imperatively than any other, demands that in the discussion of it every thing like party feeling should be cast aside. I assure your Lordships, that I should, with much greater pleasure, have risen to express my confidence in the continued well-doing of the system which has been established, if I could have done so with truth; and I deeply regret that a most imperative sense of duty has compelled me to avow before your Lordships my utter distrust of it. My Lords, I shall sit down entreating his Majesty's Ministers, if they think that I have made out a case for further inquiry, to grant the Committee, for the appointment of which I shall conclude by moving. In their hands, after the statement I have made, I leave the whole question. I will not ask your Lordships to divide with me, if his Majesty's Ministers state that they will not oppose my motion. My Lords, I move, "That a Select Committee be appointed to inquire into the progress which the new system of education in Ireland has made in effecting the main purpose for which it was established,—namely, the combined education of the poorer classes of the community of that country, Protestant as well as Catholic, resting upon religious instruction; to inquire whether the funds intrusted to the Commissioners have been judiciously administered towards the attainment of that object; and whether experience of the practical result of their labours renders it safe and advisable to adopt the recommendations contained in their Second Report, for the great extension of the system therein contemplated."

Viscount *Melbourne* felt that he owed an apology to their Lordships for venturing to present himself to their attention immediately after the very long and very able speech of the right reverend Prelate who had just sat down—a speech of great minutiæ and great detail—embracing many particulars, taking notice of the conduct of particular schools, and entering into a minute examination of the publications which had been put forth by the Commissioners for the use of schools in Ireland—matters with which he could not at the moment be expected to display a very familiar acquaintance, and with respect to which, therefore, he was utterly unable to enter into a controversy with the right reverend Prelate. But he thought he owed it to their Lordships to state generally the grounds on which he felt it would be out of his power to comply with the motion which the right reverend Prelate had made. The principal grounds were briefly these; that the appointment of a Committee would tend to no good, but to much evil—to disturb the system of education satisfactorily (as he believed) established in Ireland—to revive religious animosities and dissensions, and to interrupt a plan of proceeding which had received the sanction (he believed) of every public man in the country, and been adopted by every Government which had existed during the period of the last five years. The right reverend Prelate had stated with great truth, that it was a very different thing to oppose a system at the beginning and to interfere with a system after it was established and in actual operation; and that those who might be anxious to oppose a system at the commencement, might very possibly not be desirous of intermeddling or interfering with its progress after it had once been established. But their Lordships must consider the quarter whence this proposition came, and the effects which would be produced upon the public mind in Ireland when it was seen that a Committee of Inquiry, whose labours were to be devoted to the improvement of the existing system of education, was appointed at the suggestion of one of those who were the strongest and most vehement opponents of the system when it was first proposed. On that ground alone he thought it would be highly impolitic in their Lordships to accede to the motion. The right reverend Prelate stated, in the first place, that the Archbishop of Dublin, in answer to one of the addresses which had been presented to him, admitted that the experiment was likely to fail. But the right reverend Prelate omitted to state the reason which induced the Archbishop of Dublin to think it likely that the experiment might fail. He omitted to mention that the apprehension of failure in the Archbishop's mind arose from the anticipated opposition of the Roman Catholic population. That certainly was not the ground of failure alleged against the system by the right reverend Prelate (the Bishop of Exeter) on the present occasion. The right reverend Prelate subsequently made what he (Lord Melbourne) must admit to be a very fair defence of his most reverend Friend the Archbishop of Dublin, when he stated that the experience of the last four years of the working of the system had convinced him (the Archbishop of Dublin) of the advantages attending it—that he regarded it no longer as an experiment, and that he was anxious for its further extension. That, indeed, was a correct statement of the fact—the Archbishop of Dublin did consider the plan to have succeeded—did consider it as in the course and progress of success, as conciliatory to the minds of the people of Ireland, Catholic and Protestant, and as extending the benefits of a sound education, the acquirement of scriptural knowledge, and an acquaintance with the precepts of true religion to all classes of the community in that country. Upon these grounds he thought it would be unwise and imprudent in their Lordships to interfere with the operation of the system, or in any degree to interrupt or prevent its progress. The right reverend Prelate relied very much upon the Second Report of the commissioners, from which he had read extracts, and which undoubtedly opened very large topics of discussion. The Commissioners in that Report certainly took very extensive views of further proceedings upon the subject. But he (Lord Melbourne) had already stated that the Government were not pledged to the recommendations contained in the Report. Their intention in the present year undoubtedly was, to propose a larger vote for this service than was proposed last year; but if they were going to adopt the system to the extent recommended in the Second Report of the Commissioners, he did not pretend to say that some further inquiry—some closer examination and investigation would not be necessary. The right reverend Prelate complained that the Report afforded no security for the religion of those who were to be the instructors of the school-masters. He (Lord Melbourne) should think that the offer of any security upon that point would be utterly superfluous; for, could it be supposed that a Board so constituted as the Board of Education in Ireland was, in appointing officers of such importance, would not take proper means to secure their being persons of right religious feeling, and of sufficient religious knowledge. He must here allude to what he could not help calling the rather disingenuous parallel which the right reverend Prelate had drawn between the Commissioners and the Minister of Public Instruction in France; but there was a vast difference in the situation of the Minister of Public Instruction in France and the Commissioners of Education in Ireland, inasmuch as that the former addressed himself to a country where a great proportion of the population were Roman Catholic, and where the Roman Catholic was the established religion, whilst the latter, on the contrary, were dealing with a country where a great majority of the population, it was true, were Roman Catholics, but where the Roman Catholic was not the established religion. In France, too, it was to be remembered that the Protestants as well as the Catholics were much more under the regulation of the Government as to education, than were either Catholics or Protestants in Ireland. But the fact, that the established religion of Ireland was the Protestant, while the mass of the population were Catholics, was the root of the whole difficulty; this it was that forced them to the adoption of so many expedients. It was not wonderful that the new system of education should, in the first instance, have excited some doubt in the mind of the Archbishop of Dublin and others. Four years' experience, however, satisfied him, that it had succeeded in a manner which was beyond all disputation. He did not see that the right reverend Prelate (the Bishop of Exeter) notwithstanding the various statements into which he had entered, had laid any good grounds for the appointment of a Committee. All that the right reverend Prelate had stated of the misconduct of schoolmasters; all that he had stated of the improper behaviour of individuals; all that he had stated of the wrong use that had been made of school-rooms, admitted of a sufficient remedy by application to the Board itself. If, after an application to the Board, it were found that a proper remedy was not obtained, it would then be for the right rev. Prelate to come down to Parliament, and to ask for the adoption of such an extreme measure as that which he proposed on the present occasion. The right rev. Prelate had adverted to the statement made by his noble Friend who opened this question in the other House of Parliament, in which his noble Friend stated that the Protestant clergy should, in the first instance, be attended to in founding the new schools, and then the right reverend Prelate proceeded with considerable force to point out the much greater number of schools which had fallen into the hands of Roman Catholics compared with those which had been given to Protestant ministers. But their Lordships must recollect the circumstances under which the new project of education was established. When his noble Friend in the other House of Parliament stated that he wished on that occasion to act in concert with the clergy of the Established Church, he stated no more than the truth; but he did not at that time anticipate the bitter and determined opposition with which the plan was ultimately received by the Protestant clergy; he did not anticipate an address, signed by seventeen of the prelates of Ireland, condemning the plan, and calling upon the clergy of the Establishment not to act upon it. The most reverend Prelate, at the head of the Irish Church, had stated on a former occasion that the Bishops had much greater difficulty in restraining the clergy than in exciting them to opposition. He thought that that was very likely—and the most reverend Prelate having stated it as a fact, he felt convinced of its truth; but, at the same time, it proved how great had been the hostility on the part of the clergy of the Establishment, and how little wonderful it must therefore be considered that the result stated by the right Reverend Prelate should have followed such a commencement. He believed that the original hostility of the clergy was fast fading away—that the original difficulties were likely soon to be got over—that the feelings of jealousy and irritation which at first existed were rapidly passing away. Would their Lordships consent to revive them—would they stir the question again—would they call again into action all those polemical and theological points of difference which had been referred to by the right reverend Prelate? He felt satisfied that they would not, and he felt therefore satisfied that they would resist the motion for the Committee. Everybody who knew anything of Ireland must be aware—looking to the state of the population in that country, looking at the great preponderance of the Roman Catholic faith in many particular parts of it—that in the application of any general system of education many of the schools must be entirely Roman Catholic. The right reverend Prelate had well stated that the object of the new system was to give an united plan of education to Catholics and Protestants. The very strong feeling which prevailed upon the subject prevented the plan from being so successful as it might have been at the commencement; but the best hopes of its success at present prevailed, and those hopes he trusted their Lordships would not interrupt by acceding to such a motion as that proposed by the right reverend Prelate. The right reverend Prelate had mentioned certain schools which were held in connexion with nunneries, or within the walls of nunneries. He (Lord Melbourne) held in his hand a letter from one of the Commissioners, Mr. Carlisle, upon the subject, which, as allusion had been made to the matter, he would trouble their Lordships by reading. The letter stated, that soon after the Board was established, applications were made in behalf of schools conducted by nunneries, and by lay confraternities of Roman Catholics, that the Board was in doubt as to the views of Government with respect to those schools, and that in consequence a communication was had with Lord (then Mr.) Stanley, as to the mode in which these applications should be treated; that after a careful consideration of the subject, seeing that the class of schools in question was most favourably reported of by the Commissioners of 1826—considering that they came under the rule of national schools, and considering also that if their application were acceded to they would come within the control of the Board, whereas, if it were refused, they would remain entirely independent of it, the Commissioners agreed unanimously that the application for these schools should be received. The letter concluded by stating that the number of these schools was not great. That, in his opinion, was a sufficient explanation of the circumstances to which the right reverend Prelate had referred. In conclusion, he would only repeat, that the principle of the existing system of education in Ireland was one which had been approved of by every Government which had existed in this country for many years back, and the present system had been approved of by every successive Government since it was established. It was introduced by his noble Friend in the other House, who was certainly and unquestionably a decided friend of the Protestant religion and the Church Establishment—it received the hearty support of Earl Grey's Ministry—it was adopted by the late Government, who placed that estimate upon the table which their Lordships voted last year for the support and maintenance of these schools—it was entirely approved of by the present Government, and he thought their Lordships would act most unwisely if they were to interfere with its further progress by adopting the present motion.

The Earl of *Harrowby* begged their Lordships to recollect a little how this question came before them. After a great number of different Commissions—sitting for a great number of years, and proposing a great number of different plans for the education of the people of Ireland—had been appointed, Parliament, about four years ago, adopted the plan which had since been in operation. That plan (taking the words from the mouths of its proposers and strongest supporters) was confessedly a mere experiment, of the success of which they expressed no inconsiderable doubt. The measure having now been in operation for about four years, could anything be more obvious, could anything apparently be so little liable to objection, as that Parliament, after having decided on making the experiment, should now employ itself in an inquiry as to how that experiment had been made, and with what success? When the right rev. Prelate first gave notice of his intention to bring forward this motion, he (Lord Harrowby) did not anticipate that it was likely any objection would be made to it. Many of the plain and simple facts brought forward by the right rev. Prelate in support of his motion, had received no answer from the noble Viscount. They had been told that in many points the money voted by Parliament for the purposes of education had not been properly applied, and that the school-rooms had been appropriated to purposes most directly opposed to their legitimate object. These he should conceive to be strong additional grounds for inducing their Lordships to ascertain fully whether these facts were correct or not. These certainly were reasons which led him to think that the present was not an improper time for directing such an inquiry. The Commissioners were applying for a very great extension of the system; and before they consented to extend, or even to continue the system, it would be right that they should satisfy their minds as to whether it was working well or not. The noble Viscount seemed to feel that himself; for he gave the House reason to expect that before any proposal was made to Parliament for carrying out this system to a greater extent, Parliament should be permitted to inform itself, not only whether it were fit that the system should be extended, but whether it might be fit that it should be continued. He (Lord Harrowby) confessed that that statement of the noble Viscount had in some degree diminished the feeling which he at first entertained that it would be the imperative duty of the House to direct an inquiry of such a nature as that pointed out by the right rev. Prelate. After the noble Viscount's statement, he thought the right rev. Prelate should be satisfied by placing the whole of the responsibility on the head of the Government. At the same time he thought the House and the country were under a great obligation to the right rev. Prelate for directing the attention of the Government and of the Legislature to the subject. There was another reason why he thought he might remain satisfied without going to a vote on the right rev. Prelate's motion. After the refusal of this Committee, it was utterly impossible for the Government to propose that anything should be given from any fund, much less from the funds of the Protestant Church in Ireland, to support a system of education into which they had not dared to allow Parliament to inquire.

Lord *Plunket* rejoiced exceedingly that the right rev. Prelate, either at the suggestions of his own good sense, or of some good Friend, on this occasion, had abstained from discussing this subject, on those old grounds on which it had been so often discussed before. At the same time, he could not help apprehending—looking at the general tenor of the right rev. Prelate's speech, and looking also at what had fallen from the noble Earl who had just sat down—that the real object of the motion now made was to get rid of the existing system of public education. He wished to know whether the motion were not intended as an arraignment of the whole system, or whether (as it professed to be) it was merely founded on some supposed abuses of the system, for which amendment or correction was necessary. Education in Ireland had been matter of lengthened Parliamentary inquiry for nearly thirty years; and the Report which was made upon the subject so long ago as the year 1812, was well worthy of their Lordships' attention. The names of the Commissioners by whom that Report was made were familiar to their Lordships. They were all attached by early feelings to the Protestant Church in Ireland. There was the Primate of Ireland, the Archbishop of Cashel, Dr. Elrington (the head of the Protestant University in Dublin), Mr. Leslie Foster, and two or three other gentlemen, all of whom had deeply at heart the welfare of the Protestant Establishment; and they stated in their Report principles well worthy of the perpetual recollection of every person who felt anxious for the welfare and well being of Ireland. They stated that there was a thirst for learning on the part of the people of Ireland. They stated, with respect to education, what Sir John Davies had long ago said with respect to law—"Never was a people," said Sir John, "so anxious for the benefit of equal laws." "Never was a people," said the Commissioners of 1812, "so anxious for the benefit of general education." These two natural wishes of the People of Ireland, notwithstanding all the difficulties which had hitherto stood in the way, he felt were now likely to be realized, if the harvest were not blighted by some untimely proceedings like the present motion. With respect to the system of education, an experiment, it had been called, the present result was, after four years' trial, that 180,000 children were receiving the benefit of sound instruction. He, therefore, thanked his noble Friend at the head of the Government for these results, and for having determined, on the present occasion, not to yield to an application, which, if acceded to, might stop the progress of the system, and cause the loss of much of the good which had been already obtained. The question which the Commissioners had to consider was this: was it possible in Ireland to unite moral and religious education? It was agreed that they could not separate them. Was it possible, then, that they could unite them? That question occupied the attention of Parliament thirty years ago, and had been a matter of frequent discussion since. The great difficulty from the first had been whether the Bible was or was not to be used as a book of education? That question was decided in 1812, by the Commissioners to whom he had alluded. It was reconsidered by the new Commissioners appointed in 1824, who came to the same decision; and the decision of the Commissioners of 1812 was again admitted to be correct by the Committee of the House of Commons whose Report was made in 1828. These things had taken place under a variety of successive Governments, under a variety of successive Sovereigns, under a variety of Administrations; and all the great men who had been consulted, or whose attention had been directed to this momentous question, had agreed on this point, that there might be a system of joint religious and moral education proceeding upon this principle—the use, not of the Scriptures at large, but of certain passages extracted from the Scriptures, which might be applicable to Protestants as well as Roman Catholics, and conceding always that the children of either class should be allowed the benefit of separate instruction by their own ministers according to their own respective creeds. Now, how was he to understand what had fallen from the right rev. Prelate in the course of the present debate? The right rev. Prelate had stated that there were certain parts of the Scriptures in which it was impossible that Roman Catholics and Protestants could conscientiously agree; and with great accuracy, and, as usual, with equal ability, the right rev. Prelate had pointed out particular passages and points upon which, as he stated, the two religions were directly opposed to each other. But the conclusion which the right rev. Prelate drew from this statement—if it had any meaning whatever—was, no doubt, very acute, very ingenious, very clever; but if it had any sense or meaning, it was this—that the Scriptures could not be introduced as a book in schools without becoming a subject of religious controversy. Then he (Lord Plunket) could not help saying, that he feared the real object of the right rev. Prelate in bringing forward this motion, was not so much to obtain an inquiry into the working of the system, as to arraign the principle on which the system was established. Nothing could be more alarming to the people of Ireland—nothing more likely to arrest the beneficial progress of the system now in operation, than to hold out an idea that a change might be the consequence of the adoption of a motion of this description. He was strengthened in this opinion by what fell from the noble Earl (Harrowby), who seemed to think that the inquiries of a Committee might lead to a change in the system; that was one of the grounds on which he objected to this Committee. He was apprehensive of the consequences of any change in the system in the present excited state of Ireland. The right rev. Prelate had said, that his noble Friend at the head of the Administration was answerable for the mutilated Scriptures which were used in these schools. So was a noble Lord, a member of an Administration of which the right rev. Prelate was a warm supporter. The right rev. Prelate, as also some noble Lords, including the noble Earl (Roden) on the other side, whatever might have been their hatred of the offence, had not treated all the offenders with the same degree of punishment. They had not flourished the cat-o'-nine tails with the same alacrity in the one case as in the other. They had not administered the torture of their censure with the same good-will in the case of the late as they did in that of the present Administration. It was due to the Administration of the noble Duke (of Wellington), and that of the right hon. Baronet (Sir R. Peel), to say, that their cordial approbation was given to the system, as well as to the mode in which that system was carried on. The estimate of 35,000*l.* voted in support of the system, in July, 1835, was prepared in April, when Sir Henry Hardinge was in the Irish Administration. It was but justice to that gallant officer to say, that in the debate on the estimate in July, he expressed his approbation of the system, and said it was his opinion that the result of the system could not be otherwise than beneficial. He certainly added, that if the facts stated by the hon. Members of the House to which the right hon. Baronet belonged, who opposed the estimate, were borne out, and that the Protestants of Ireland were treated as they described, his mind would be changed, and it would be his decided opinion that some other course should be adopted. The objections, however, of the right rev. Prelate and those made in the House of Commons were quite as different from each other as the arguments of the right rev. Prelate at present were different from those which the right rev. Prelate had formerly used on the subject. Five different cases of abuse, on the part of persons acting under the direction of the Board, were alleged in the House of Commons. These cases were inquired into by the Board itself, and he took it on himself to say were found to be frivolous and unfounded. Those who made these charges were told that if they sent to the Board every investigation would take place; but from that hour, the 15th July, up to the present moment no attempt was made to verify them. If the right rev. Prelate made out the cases he stated the Board would give every possible means of redress. At the same time, when his noble Friend, at the head of the Government, refused that night to accede to the proposition of the right rev. Prelate, he did not understand his noble Friend to say, that if any particular case of abuse should be made to appear that Parliamentary inquiry was necessary, such an inquiry should not be granted. But he felt the necessity and prudence of the course which his noble Friend had adopted, of not permitting, under the mask (he did not mean to use the word in an offensive sense) of inquiring into abuses, a notion to get abroad that the principle of the present system was to be departed from. It had been stated that the most rev. the Archbishop of Dublin had considered this measure as a mere experiment —that he was not sanguine in his expectations of its success—but that he thought it ought at all events to have a fair trial. Might he (Lord Plunket) be permitted to ask whether the plan had had a fair trial? It had not for one single day had a fair trial. The noble Viscount had already stated the active, and he had no doubt the conscientious, part which fourteen or fifteen Prelates of Ireland thought it necessary to adopt when it was first proposed to carry the system into operation. Notwithstanding the active part taken by these reverend Prelates, he was still sincerely of opinion that a great proportion not only of the lay Protestants of Ireland, but of the Protestant clergy of that country, were favourable to the progress of this measure. The right rev. Prelate (the Bishop of Exeter) had criticised the statement made by the Board of Commissioners, that 140 members of the Protestant Established Church had addressed applications to them in favour of this measure. The Board never stated any such thing. The right rev. Prelate was perfectly aware of what was stated; he knew perfectly well that what the Board stated was this; that, amongst the applications which had been made to them for assistance under this system, there were the signatures of 140 clergymen of the Established Church. So there were; that statement of the Board was not only substantially but literally true, because although the names of some of those clergymen were repeated three and even four times over, yet in every instance the duplicate signature had been to a separate and distinct application. If they had described the number of the Protestant clergy in favour of the proposition as greater than it actually had been, they had done the same thing with respect to the other denominations of clergy; so that the proportion remained the same, and the question was not substantially affected. At any rate, he hoped the right rev. Prelate did not mean to insinuate that the Commissioners did anything which they had done for the purpose of imposition. He hoped the right rev. Prelate did not believe that any one member of the Commission would be guilty of such an act. But, even if an individual member could be guilty of such baseness, it was surely impossible that seven colleagues, men of character, and filling high stations in society, should combine for so unworthy a purpose. There was no ground, therefore, for believing that in this respect there had been the slightest exaggeration in the Report. It was necessary for him to advert to some other circumstances, in order to show whether the Board had fair play. It was a matter of public notoriety, that there had been meetings in the north of Ireland, consisting of many thousands of persons, who were told that the sacred word of God had been mutilated, and that attempts were making by the Board to deprive them of their Bible. Was that fair play? Under such circumstances could it be said that the experiment had been fairly tried. The noble Earl opposite (who was not so hostile to the existing system when his noble Friends were in office, as he was at present) had addressed some of these meetings, the very persons composing which had their Bibles in their hands and they were exhorted

> "To put their trust in providence,
> And keep their powder dry."

At a numerous and respectable meeting of Orangemen, in the county of Tyrone, Mr. Grier in the chair, the following resolution was unanimously agreed to:—"That as Protestants, reprobating the new system of national education, we will not (he begged the House to observe the candour and piety of the declaration) listen to any clergyman who supports it." So the dissenting clergy in the north of Ireland, who depended on their congregations for subsistence, were told that they would not be listened to in their pulpits if they supported the new system. Again, he asked, therefore, if the system could be said to have had fair play. Their Lordships were aware of the system which had been formed by the Kildare-street society. Of that society, Mr. Jackson, an eminent lawyer, was the secretary. Mr. Jackson was examined before the Commissioners of Education in 1826. The same question was then raised as had been just raised by the right rev. Prelate. Mr. Jackson had been asked as to the religion of the masters and mistresses of the schools and as to the religion of the scholars. He had argued, on former occasions, that it was no part of the duty of the Commissioners to require answers to such questions. In his reply Mr. Jackson stated that he ought to mention as a reason for not being better informed on the subject, that the society never regarded the religion of any individual in making an appointment to an office in the capital; although there were circumstances which rendered it necessary that the religion of masters and mistresses of schools in the country should be known; and to the question from the Commissioners—"Are we to understand that you are equally without data to enable you to ascertain the comparative number of Catholic and Protestant scholars in the schools?" Mr. Jackson replied, "It would be a violation of our fundamental rule if we were to take measures to ascertain that fact." He hoped, therefore, that the right rev. Prelate would have the candour to acknowledge that he was not justified in drawing any inference against the existing Board from what he had stated. The Board had no right to make the inquiry, and no inference therefore could be drawn against them for their not having done so: nay more, they would not have been justified if they had so acted. Let it be recollected that by the existing system above 180,000 young persons were rescued from the grasp of ignorance and vice, and were receiving the benefits of a sound education. Surely no good man could seriously wish to stop the progress of such a system. Before he sat down he wished to say one word in vindication of the Roman Catholics from the charge made against them by the right rev. Prelate with respect to the Holy Scriptures. What the right rev. Prelate had said, meant that the Roman Catholics denied the authority of the Holy Scriptures, or it meant nothing. Now of this he (Lord Plunket) was sure, that no Roman Catholic, either in Ireland or any where else, would deny the authority of the Holy Scriptures. On the contrary, they held them to be the very essence of Christianity; the revealed word of God. It was true that for their explanation they called in aid from other sources; and in that consisted all that was imputed to them, which amounted to this—that they did not consider that the Holy Scriptures, without any comment or explanation, were fit to be put in the hands of the people.

The Earl of *Roden* assured their Lordships, that having so often addressed them upon this subject, it was not his intention to have done so on this occasion, had not certain observations dropped from the noble and learned Lord who had just sat down, to which he felt it his duty to make some reply. It was impossible for him to hear those insinuations which the noble and learned Lord had thrown out against him, and particularly the first charge which he had made, without taking the earliest opportunity of expressing himself upon the motives which had actuated his conduct in that House. The noble Lord had said, that when other noble persons, now on the opposition side of the House were in office, he (the Earl of Roden) did not seem to have the same anxiety then upon this subject, as now other noble Lords were in office. That was an imputation which he must beg leave to throw back upon the noble and learned Lord. He would venture to state the circumstances of the case in his own justification, in order to prove to their Lordships that he was not actuated by any such feeling as that which had been falsely imputed to him by the noble and learned Lord. It would be in their Lordships' recollection, that when an answer was given in another place by the noble Lord the Secretary for Ireland, to a question put by another noble Lord there, as to whether it was the intention of the Government to continue the same system of education in Ireland, on the very next day he (the Earl of Roden) came down to that House and gave notice of his intention to put a similar question to that which had been put in the House of Commons; and having received a reply which was most unsatisfactory to his mind, he then took an opportunity to move for some papers on the subject, in order to bring the question in a tangible form before their Lordships. That, however, he could not do because those papers were not produced until a day or two before the end of the Session. The noble and learned Lord, then, had no authority for making that charge against him. The noble and learned Lord had accused him of holding forth to meetings of Protestants, and telling them that this system had for its object the mutilation of the Scriptures. Why, if he were to attend a meeting of Protestants to-morrow on the same subject, he would state the same thing, and he should be able to do so with the greater effect, because he could refer to the speech of the right rev. Prelate for some of the strongest proofs of it. The right rev. Prelate had read statements to the House which showed that the very ground of the system was the mutilation of the Scriptures: for instance, it appeared that ten of the most important verses in the Gospel according to St. Luke had been omitted. Therefore, if he were to meet his Protestant brethren again, he should make exactly the same statements again. The noble and learned Lord must know very little of the Protestants of Ireland, if he thought they had but little anxiety about the scriptural education of their children, or if he thought any delusion was necessary to be used to draw them together and excite their attention to this important subject. He would tell the noble and learned Lord, that knowing as he well did the character of the Protestants of Ireland, especially in the province of Ulster, there was no subject in which they were so much interested as that of scriptural education, and the diffusion of the scriptures without note or comment, or any mutilation whatever. So far from their being indifferent to the question, it was one of the brightest traits in their character that they were extremely anxious to have their children educated in the Scriptures. The noble and learned Lord had alluded to a meeting at which a Mr. Grier, presided. Now he knew nothing of the meeting, nor of Mr. Grier, whom the noble Lord charged with telling the Protestants that they ought not to encourage this system of education. Was that a crime? If so, it was one of which every Protestant in Ireland was guilty, and one which he hoped they would continue to commit as long as the system was continued, for it was a system which never could be adopted by them. The noble and learned Lord had read some evidence given by Mr. Jackson before the Commissioners of the Board of Education, to the effect, that when he was asked, respecting the Kildare-place Society, what was the number of the scholars and teachers, he replied that the return could not be made because it was contrary to a fundamental rule of the society. But what was the fact? That was the answer of Mr. Jackson, but the rejoinder of the Board was—"You must make the return." The Kildare-place Society did make the return, but the noble and learned Lord had not told the House that. The noble and learned Lord had undertaken to vindicate the conduct of the Roman Catholics with respect to their use of the Scriptures. He did not wish, on the present occasion, to go into any question with respect to the use of the Scriptures by the Roman Catholics, or how far it was allowed by their church; all he knew was, that the children of the people of Ireland were denied the reading of the Scriptures in these schools. Any noble Lord who had paid attention to the schools in Ireland must be aware of this fact. With regard to the question brought before the House, he did not think the noble and learned Lord or the noble Viscount had answered the case made out by the right rev. Prelate. If ever a case had been brought before Parliament which was deserving of inquiry it was that which had now been presented by the right rev. Prelate; and he was certain that when the account of what took place in that House appeared before the public, if such a thing should happen, the impression would be, that the Government was afraid to meet the question—that it was afraid to meet the question and afraid of inquiry. The noble and learned Lord had insinuated that it was not surprising that Protestant clergymen in Ireland should declare their disapprobation of the existing system of education, when so many Bishops were urging them to do so. He (Lord Roden) did not at that time of day, think it necessary to stand up for the independence of the Protestant clergy in Ireland. They stood in no need of his eulogium. He firmly believed that the great majority of the Protestant clergy in Ireland were inimical to the existing system. Inquiry was necessary, to show that the object which the then Chief Secretary for Ireland, now Lord Stanley, had in view in proposing the system, had not been carried into effect. He regretted extremely that the right rev. Prelate had consented not to press his motion; because, in so grave and important a matter, he should like their Lordships to show, by a division, that the majority of them really meant to support Protestant interests.

Lord *Plunket*, in explanation, denied that he had attributed any improper motives to the noble Earl. All that he had said was, the noble Earl did not attribute to the late Government the purposes which he attributed to the present.

The Earl of *Winchilsea* must say, in justice to his noble Friend, that he expressed himself with equal warmth against the existing system of national education in Ireland when carried on under the late Government as at present. The right rev. Prelate had been wholly unanswered by the noble Viscount and the noble and learned Lord. If he (Lord Winchilsea) wished for another ground in favour of the inquiry, it would be the disinclination manifested by his Majesty's Government to give information which the people had a right to receive. It was one of the highest privileges of the people to have full and fair information with respect to the application of money raised by any tax. He (Lord Winchilsea) was not aware until that evening that the grant of 37,000*l.* to the Irish Board of Education had been increased to 50,000*l.* In the Report of the Commissioners they recommended the extension of the grant to a sum nearer 300,000*l.* than 200,000*l.* for the first nine years, and the fixing of it afterwards at 200,000*l.* He thought that the Protestants of this country had a fair right to demand inquiry before they were called upon to contribute any tax for a system of education of a mixed character, and respecting the expediency or working of which they entertained strong doubts. The right rev. Prelate had made a most clear and able statement, which had been totally uncontradicted by the noble Lords who had spoken on this question, showing that considerable abuses did exist; and he should sit down satisfied that the discussion within the walls of this House was well calculated to open the eyes of the great body of the Protestants of this country to the fact that the measures pursued tended to the destruction of Protestantism. He boldly charged the noble Viscount with having made certain conditions with the individual, by whose support alone Ministers obtained their places. There were three conditions—the first was the surrender of the Protestant Church; the second was the adoption of a system of national education, in order to make the whole of the Protestants members of the Roman Catholic Church; and the third was the surrender of the whole police and magistracy of the country into the hands of the agitator. He was convinced that he should be borne out upon all these points. Upon the subject of upholding a national religion, Mr. Burke said—"If the Legislature intends to uphold religion, it must specifically state what the religion is. If you will have a religion publicly practised and taught, you must say what that religion shall be which you will protect and encourage, and distinguish it by such marks and characteristics as you in your wisdom may think fit. Your determination may be unwise, but it cannot be unjust, hard, or oppressive, or contrary to the liberty of mankind." In those sentiments he cordially agreed. It was an absurdity to suppose that a system of religion could be established where errors were not to be pointed out. He was one of the first who opposed this system of education, being convinced that no such system of education could be established without a mutilation of the Scriptures, or keeping all the essential points out of view. If he stood alone he would oppose the grant when it came up from the House of Commons, until he was satisfied how the system of education had worked.

Viscount *Melbourne* observed, that the noble Earl had been pleased to state that three conditions had been imposed upon him. He begged leave most distinctly to deny that either of those three conditions were made, or any one of them, or any other conditions or stipulations whatever. He begged leave to tell the noble Earl that his information upon the subject was totally erroneous, and without any foundation whatsoever.

The Bishop of *Exeter* expressed himself gratified with the statement of the noble Viscount at the head of his Majesty's Government. It was to him a matter of the greatest pride to know that he had given the noble Viscount an opportunity of making the declaration that he would not propose an extension of the grant without inquiry—a declaration which he was quite sure would give unbounded delight to every Protestant in this country. It was the most satisfactory declaration that the House had received for a very long time, and would afford more benefit to the Protestants than he could venture to express. He sincerely thanked the noble Viscount for what he had said.

The Motion was then withdrawn.

HOUSE OF COMMONS,

Tuesday, *March* 15, 1836.

Minutes.] Petitions presented. By Mr. T. Duncombe, from several Metropolitan Parishes, for an Alteration of the Reform of Parliament Act.—By Sir G. Strickland, Colonel Thompson, Sir R. Ferguson, Major Beauclerk, and Messrs. Roebuck, Bowring, Grote, Baines, Mark Philips, C. Wood, Barnard, P. H. Howard, Kemp, Scholefield, Hume, Aglionby, Ewart, Poulett Thomson, and Wakley, from a very great Number of Places,—against the Stamp Duty on Newspapers.—By the Lord Advocate, from Ayr and Irvine, against the Stamp Duty on Attornies Certificates.

New Houses of Parliament.] Sir John Hobhouse brought up the Report of the Committee for Inquiry into the Plans for building new Houses of Parliament, which was read as follows:—" Your Committee, after considering the Report of the Commissioners which has been referred to them by the House, and after personal communication with the Commissioners, as to the grounds on which their selection of certain plans was made, are of opinion that the plan of Mr. Barry, numbered 64, ought to be so far adopted as to be made the basis of immediate further inquiries in respect to the cost of the plan above mentioned, and to the best mode of carrying it into execution."

Sir *John Hobhouse* did not know whether it was necessary for him to preface his Motion by the statement of any details, or of the reasons which had induced the Committee to adopt the resolution now upon the table. He should however propose, in consequence of it, that a humble address be presented to his Majesty, praying that he would be pleased to direct inquiries to be made in conformity with the Report, and in such manner as his Majesty should deem most advisable. He was ready to give any explanation that might be required, but it would be seen that the Report pledged the House to nothing, and merely declared that the recommendation of the Royal Commissioners had been adopted by the Committee. Should the House agree to the Report, the effect would merely be that proceedings would be taken to procure from Mr. Barry some statements of expense, without at all deciding that it ought to be incurred. The Report went no further, and the House would probably be of opinion, that under all the circumstances, due caution had been used in an important and somewhat delicate investigation. The Committee had judged it best to leave all inquiry into the details in the hands of Government; and, of course, the department to be selected for such a duty would be the Commissioners of Woods and Forests. They would obtain the best assistance that could be procured, and would proceed without any delay. He had reason to believe that if his Motion were adopted, an estimate would be presented to the House in a comparatively short time, upon which a final conclusion might be formed. The right hon. Baronet concluded by moving, "That an humble address be presented to his Majesty, praying that his Majesty would be graciously pleased to have an inquiry made as to the best mode of proceeding in conformity with the Report of the Commissioners in such manner as to his Majesty may seem most advisable."

Mr. *Hawes* thought the Motion so important that it ought to have been preceded by a notice; and he was somewhat astonished, after what had passed on a former occasion, that the House should thus have been taken by surprise upon the subject. It appeared that one plan had been finally agreed upon, and although the Committee had been sitting for some time, and had taken evidence, the Report was unaccompanied by evidence, and this circumstance seemed to indicate that it had been prepared too hastily. He did not say that he would take the sense of the House on the Motion of the right hon. Baronet, but he apprehended that before it was adopted the evidence ought to have been produced. According to his understanding of the Report, it amounted to a final selection of a particular plan, and he wished to know whether the other plans approved by the Commissioners would be exhibited. The public had been long looking for them, and he thought that they were entitled to see them.

Sir *John Hobhouse* felt bound to give an answer to his hon. Friend. Undoubtedly evidence had been taken, and the terms of the Report would show that the commissioners had been examined on the subject of the recommendation they had laid before his Majesty. As to the notice of the present Motion having been given, he could only say that it was not meant to take the House at all by surprise, and in fact the Report did not recommend any important or definitive step. All that had been decided was, that before any ultimate decision were come to upon plan No. 64, it was expedient that an estimate should be formed of the probable expense of carrying it into execution. If it were the general opinion of the House that it would be better to see the evidence, the Committee could have no possible objection that it should be produced. At present it had been considered that such a step would be rather premature, and that the evidence ought to be reserved for the final decision.

Sir *Robert Peel* said, that the course proposed to be pursued seemed to him calculated to lay before the House, at the earliest period, the information by which it was to be guided in its decision. The Motion of the right hon. Baronet was in conformity with the plan proposed in the Committee; and, as he had supported it there, he should give it his cordial support here. The House of Commons, naturally distrusting its own judgment on a matter of this kind, had recommended the Crown to select Commissioners to review the whole of the plans. They undertook the duty, of course, gratuitously, and had devoted a great portion of time and attention to the consideration of about eighty or ninety plans; they had weighed the merits of each, in conformity with the instructions they had received, and given the preference to four out of the whole number. That of Mr. Barry had received their chief approbation, both for exterior form and interior convenience. When the Committee came to discuss the subject, the members of it had not thought themselves justified in recommending the House to adopt the plan of Mr. Barry, which they preferred, without first taking some steps to ascertain the expense; and it appeared to them that under the Crown, the responsible executive department was infinitely better calculated to collect all the essential materials for a final determination, than a Committee of that House. If the House should be of the same opinion, it would amount to a *prima facie* case in favour of Mr. Barry's plan; and surely the Committee was entitled to select it, not as the plan finally to be adopted, but as the basis of further inquiry. Then came the question, by whom that inquiry was to be made? and it would extend not merely to the cost of the buildings, but to the comparative expense of erecting them of different materials, and their durability as affected by London smoke and London atmosphere. The Committee thought that this inquiry could be better conducted by the Ministers of the Crown; and he was decidedly in favour of the proposal of the right hon. Baronet, which was only to induce the House to call upon the Crown to make the inquiry. He could not think that the House had been taken at all by surprise, since the object only was to obtain all necessary information, before a single stone was laid. No pledge was given; and if the hon. Member for Lambeth chose to divide the House, he (Sir R. Peel) hoped that the Motion would be carried by a large majority.

Mr. *Hall* thought that all the plans were to be publicly exhibited before a final decision was formed. Mr. Barry's plan would not, he was afraid, be practicable on account of the expense.

Sir *Robert Peel:* If it should appear that Mr. Barry's plan—beautiful in its exterior, and convenient in its arrangement as it was—could only be carried into effect under an enormous and unjustifiable outlay, which would require too great a sacrifice of economy, the motion of the right hon. Baronet implied no pledge that it should be adopted by the House.

The *Chancellor of the Exchequer* saw no difficulty, as far as the Government was concerned, in making the inquiry, and obtaining the information. The object certainly was, that the plan, whichever might be selected, should be executed with all due regard to economy. With regard to the exhibition of the rival plans, he had been informed that if it were done immediately, and the drawings thereby taken out of the hands of Mr. Barry, it might be attended with great inconvenience; but there would be no difficulty in giving the public the opportunity of seeing Mr. Barry's plan with the others, before the House of Commons came to any final determination. On a former occasion a question had been put to him either by the hon. Member for Middlesex or Southwark, to which he was not then prepared to give a distinct answer. The hon. Gentleman seemed to imagine that there had been some previous communication of Mr. Barry's plan to the Commissioners; but he (the Chancellor of the Exchequer) was now able, in the most distinct and precise manner, to assert, that up to the moment when the seals were broken, not one of the Commissioners was aware which was Mr. Barry's plan.

Mr. *Hume* trusted that at all events the evidence taken by the Committee would be laid before the House before they were called upon to consent to the expenditure of any portion of the public money.

The motion was agreed to.

THE UNSTAMPED PRESS.] Mr. *Wakley* wished to know from his Majesty's Attorney-General, under what Act of Parliament a man named Cleave had been convicted for selling unstamped newspapers; and under what Act of Parliament the officers were justified in seizing those papers which were in his possession: and, lastly, how were the magistrates justified in sentencing him, in addition to imprisonment, to the punishment of the silent system?

The *Attorney-General* had inquired into the circumstances since the same question had been put to him before, and had ascertained that the man had been convicted under the 16th of Geo. 2nd, which provided, that any person carrying unstamped papers might be arrested, brought before a magistrate, and sentenced to three months' imprisonment. On the 4th day of the present month he had been found in a cab with thirty-three quires of *The Police Gazette*, an unstamped newspaper; was arrested, brought before a magistrate, and under the Act to which he had referred, sentenced to three months' imprisonment. With respect to the treatment he had experienced in confinement, it had been very indulgent indeed; and so far from his being condemned to the punishment of the silent system, he had been appointed teacher of the boys in the prison. It only remained to answer the hon. Member's question as it regarded the seizure of the papers on his person. His (the Attorney-General's) notion was, that the law could never mean that these papers should be restored to the party upon whose person they might have been found, to be redistributed in direct opposition to the law. The law, he presumed, would recognise no property in these papers; and if the hon. Member thought it would, he might bring his action of *trover* for the recovery of the property, and thus take the decision of a jury and the opinion of a Court on the question.

Mr. *Wakley* had never advocated a violation of the laws, but 400 persons had been arrested for the sale of a newspaper, which the Court of Exchequer had decided not to be a newspaper.

Mr. *Roebuck* wished to ask the hon. and learned Gentleman another question relating to another transaction of the same nature. It appeared that a man named Reeve had been stopped by some police constables, with a bundle in his possession. He was asked what it contained, but refused to answer. It was then taken from him, and was found to contain legally stamped papers. He was brought before a magistrate, fined, and not paying the fine, was sent to confinement, stripped of his clothes, and the flannel next his skin taken off, to the very serious detriment of his health. Now he wished to ask the hon. and learned Gentleman whether this was in accordance with the feelings of the people at large, or consistent with the spirit of the English laws?

The *Attorney-General* would not trouble the House with his opinion as to whether this conviction was in accordance with the feelings of the people at large; but as to its being consistent with the spirit of the English law, he should leave the House to judge from the facts of the case. From the information which he (the Attorney-General) had received, it appeared that the individual in question had been met by a constable, and asked what a bundle which was in his possession contained; his reply was, to knock the constable down. Such was the information he had received, and he believed it was correct. Under the 27th section of the 9th Geo. 4th he was brought before a magistrate, who fined him, as the Act authorised the magistrate, five pounds, and the fine not being paid, he was committed, according to the provisions of the Act, "either to the common gaol, or the house of correction;" in the present case, to the latter. Having been asked his opinion, he did not hesitate to say, that Reeve having been, under the Act, committed to the House of Correction, was subject to the discipline of the House of Correction. There was therefore, he apprehended, no ground for complaint, so far, at least, as the question of the hon. Member referred to a deviation from the law, in the course which had been adopted in this case.

SPAIN AND HER LATE COLONIES.] Lord *Mahon*, seeing the noble Lord, the Secretary for Foreign Affairs, in his place, wished to ask him a question relative to negotiations which had been some time since set on foot respecting the dispute between Spain and her South American colonies. It would be in the recollection of the House, that two Commissioners (Generals Soublette and O'Leary) had arrived in London on their way to Madrid, and had been most kindly received, and assisted with advice, by the Duke of Wellington, and had received every encouragement to effect the object of their mission. The last advices received in reference to this subject represented the negotiations as entirely broken off. This was a subject, he need hardly observe to the House, of the utmost importance to even our trade and commerce, and he had hoped that the noble Lord's assistance would have sufficed to have brought the negotiation to a satisfactory termination. He wished to ask the noble Lord if he had received any official information upon this subject, and if there was any prospect of a favourable result?

Viscount *Palmerston* could assure the noble Lord, that his Majesty's present advisers were quite as anxious that the negotiation referred to should be brought to a satisfactory termination as were the Government of which the noble Lord had been a Member. It was quite obvious that the termination of disputes between Spain and her colonies was most desirable for many reasons, besides that which affected the commerce carried on by and with these countries. It was quite true, as the noble Lord had stated, that Generals Soublette and O'Leary had arrived in London, and proceeded to Madrid, on the subject of the negotiation which had been referred to. General Santa-Maria had also arrived in London, and had gone to Madrid, to take part, on behalf of Mexico, in the negotiation; and as far as a Minister of Great Britain could take part in it, by the interposition of his friendly offices, Mr. Villiers had interfered; and in so doing, only acted in perfect conformity with the instruction of the Government he represented. The part he had taken, however, was necessarily unofficial—the interference of a friend of both parties. He had at present no reason to believe that the negotiation was broken off. It was in some degree connected with a communication made by the Government to the Cortes; for the Government, instead of concluding a treaty on the part of the Crown, preferred making this communication to the Cortes. The dissolution of that body had interrupted the progress of the negotiation; but he had good reason to hope that, when they re-assembled, it would be brought to a satisfactory termination.

CIVIL WAR IN SPAIN.] Sir *Robert Peel* had seen in the public papers an account that either the wife or mother of Cabrera—an officer in the service of Don Carlos—had been shot by order of an officer in the pay and commission of the Spanish Government. He wished to ask the noble Lord opposite if he had any reason to know that this account was correct?

Viscount *Palmerston* was much afraid that the account was correct. He had no official information on the subject; but from an account contained in a private letter he had received, he feared there was too much reason to apprehend the account was correct. The account he had received of this diabolical atrocity represented it (so we understood the noble Lord) as a reprisal for Cabrera's having shot the wives of four officers of the Government army.

Lord *F. Egerton* wished to know if the noble Lord had received any information of this atrocity having been committed at the instigation of Mina?

Viscount *Palmerston* said, that such was the rumour; which, however, might be quite false.

STAMP DUTIES—NEWSPAPERS.] Mr. *Harvey* had a Petition to present on the subject of the Abolition of the Newspaper Stamp Duties, but could not consign it to that ignominious bourne from which no petition returns, without adverting to a rumour which had reached him that all these petitions, which were for a "total repeal" of the stamp duty, were to be thrown away. He had been told, for he had not attended the Downing-street Parliament, that the Government had resolved upon disregarding these petitions, by reducing, and not abolishing, the stamp duties. Such a conclusion, he apprehended, could only have been arrived at in the absence of all knowledge of public opinion upon this subject, and he, therefore, trusted, that after such a manifestation as had just been made, the Chancellor of the Exchequer would be prepared to defer the consideration of this subject until he could bestow upon these petitions the attention to which they were entitled, Mr. *Wakley* said, that in moving that the House do resolve itself into a Committee on the Stamp Bill, he should take the opportunity of expressing his perfect concurrence in what had fallen from his hon. Friend, and his hope that the Chancellor of the Exchequer would, upon a little deliberation, be induced to do justice to the public, and consent not to take off a portion, but to abolish the entire of the stamp duty. Should the right hon. Gentleman, however, not do so, he should feel it his duty to press the House to a division. He would then move, that the House resolve itself into a Committee of the whole House on the Stamp Acts.

The *Chancellor of the Exchequer* suggested that it might be the most convenient course if the hon. Member for Finsbury would consent to allow him (the Chancellor of the Exchequer) to state what were the intentions of the Government, and then take the discussion on his own motion when the subject of the Stamp Duty on Newspapers was regularly brought forward in the financial statement of the year. This he thought, would be a much more convenient course than that proposed by the hon. Member.

Mr. *Wakley* would consent to adopt this course.

The House resolved itself into a Committee.

The *Chancellor of the Exchequer* said he would proceed to explain his views. He wished, however, the Committee to understand, that, although the proposition he was about to bring forward embraced the subject of the stamp-duties on newspapers, yet it was by no means confined to that one object. His proposition was of a much more enlarged kind, and, without wishing to undervalue the question as connected with the public press and with newspapers, he thought his proposition would be found to be deserving of the consideration of Parliament, even if there had not been any stamp-duties on newspapers at all. During the period which had elapsed since the close of the war, there had been very few proceedings of that House which had been more satisfactory than the steps which under various Governments had been taken for the simplification and consolidation of the laws, and there was a duty incumbent on the House, and which in times of peace and tranquillity it behoved the House to perform—it was, to make the laws clear and intelligible, and the more especially when those laws involved questions of interference with trade and commerce, restrictions on property, and penalties on the commission and omission of certain acts. The criminal law had already been consolidated to a very great extent. This most useful task had been undertaken by the right hon. Baronet, (not then in his place) the Member for Tamworth, and his example had since been zealously followed by others. He thought, that when he described to the House the state and condition in which the Stamp Acts stood, the House would agree with him, that they ought not to be allowed to remain without alteration and improvement. The laws relating to stamps existing on the Statute Book were 150 in number, some of them related only to England, others only to Scotland, some only to Ireland, and others to Great Britain, or to the empire at large. They were dispersed through the Statute Book, forming a complete farrago of legislation, and such contradictory provisions, that even the most subtle lawyers found themselves entangled in coming to decisions on them, and individuals became the victims subjected to penalties never intended to be inflicted on them. From the earliest statutes imposing Stamp Duties, passed in the reign of Charles 2nd to the present time, the legislation in respect to each had been such as greatly to add to the confusion he had adverted to, for it was necessary now to look not only to Acts professedly applying to Stamp Duties, but to others of a different class, but which contained enactments concerning this branch of revenue; and accordingly, he had found in the third Clause of an Enclosure Act a provision subjecting parties to penalties for an offence against the Stamp Acts. Indeed, one of the earliest of those statutes, the 10th of Queen Anne, was strangely characteristic of the style of legislation in those days. It imposed Stamp Duties and duties on coffee and candles, it afforded relief to a certain lady of the name of Barnwell, and regulated the duty on cocoa nuts brought from America. It would require some ingenuity now to account for the connexion. But there were at least 120 other statutes equally anomalous in their provisions. It was, therefore, his intention to propose, in the room of these existing statutes, one single statute, which should contain the whole of the Stamp Laws of the country, with two slight exceptions (for reasons he would hereafter state), namely, the laws relating to stage coaches, which had been consolidated within the last few years, and the law relating to hawkers and pedlars' licences, which had also been consolidated. With these two exceptions, he should repeal all the other Stamp Acts, and propose in their stead the Bill which the Government were inclined to recommend. The Bill he sought to introduce would, he was sorry to say, be very long, comprising no less than 330 sections, but those sections would be found in connexion one with the other, and with no contradiction amongst them. He must state at once that the reason he did not propose to interfere at present, with the existing law as to post-horse duties was at the request of the very respectable class of persons, the innkeepers engaged in the trade, and, moreover, he had it in contemplation this Session to put an end to the system of farming post-horse duties, that remnant of barbarism in legislation. The Stamp Duties formed a very difficult subject for consolidation, as the duties were in themselves extremely complicated, as hon. Members knew, and was indeed evident from the revenue they produced. The gross Stamp revenues for the year 1833 were 7,414,000*l.*, and in 1834, 7,461,000*l.*; and when hon. Members looked, under the present scale of duty, at the variety of matters from which this revenue arose,—from letters of administration, probates of wills, admission of attornies, and to offices, advertisements, affidavits, agreements, appraisements, apprenticeships, bankers' notes, bills of exchange, bills of lading, bonds, commission, gold and silver plate, licences to newspapers, protests, and the remainder of the list, they must see that the task of consolidation in this case, imposed on any individual, was one of great perplexity and difficulty. Many hon. Members had already shown, either by their votes or speeches, that upon a number of those duties there existed a difference of opinion, and all that he would ask was, that the progress in the work of consolidation should not be impeded by the discussion of those separate questions. He did not ask hon. Members to abandon their opinions, but only to suspend them until the whole laws were brought into one statute; because it was evident, that in an Act of Parliament, which would contain 330 sections, and would embrace all the subjects to which he had just now adverted, it would be impossible to proceed if the House should be called on to discuss every one of the points; the work of consolidation would be rendered impracticable, and no Minister could bring the matter to a satisfactory result. He therefore trusted he should not be thought unreasonable in expecting that some degree of assistance should so far be given to him by hon. Members. He should not, however, conclude hon. Members on subjects which he admitted to be important, and must be considered to have extensive relations. He would instance a matter frequently mentioned in the House by the hon. Member for Middlesex—the exemption from duties of landed property passing by will. That was a subject for discussion hereafter, and ought not to be taken as incidental to the work of consolidation. It would be competent for the hon. Member for Middlesex to bring forward that proposition in a distinct form, and he should feel that he acted most disingenuously if he held the hon. Member, by his assent to the principle of the consolidation of the law, to be precluded in any degree from having the full advantage of introducing it as a subject for separate consideration. With respect to the Stamp Duty on newspapers, he stood in a different position, because the hon. Member for Finsbury had, for the present, abandoned the motion of which he had given notice to-night that he might have an opportunity of stating his intentions on this point; and because the Petitions laid on the Table of the House to-night, proved that the subject must be discussed in the course of the present Session. He was, therefore, not at all disposed to debar the consideration of that question; but, with regard to further notices on other heads, he prayed hon. Gentlemen to forbear, pending the consolidation of the laws; because if they did not, a great public object, he was afraid, might be defeated or impeded. He could not approach the discussion of this subject without calling to mind debates which had taken place upon former occasions in this House, and he should necessarily be obliged to allude to them, because if he did not, it might be supposed that he was acting inconsistently in reference to some arguments which he had formerly advanced in reply to the arguments of the late Mr. Cobbett. That Gentleman had brought forward the question of the Stamp Duties with the great ingenuity he always possessed, but with that exaggeration also in which he was prone to indulge. On that occasion, it had fallen to his (Mr. Rice's) lot to reply to the hon. Gentleman, but he was so far from advocating the law as it then existed, that he had pledged himself, on the part of the then Chancellor of the Exchequer, to bring in a bill for the remedy of the defects complained of. Such a measure would have been introduced shortly afterwards, but for the press of public business at that period. He was now prepared to redeem the pledge then given, not by meeting the exaggerated case stated on that occasion by the hon. Member for Oldham, but by meeting the case of real grievance, the existence of which must be proved to every man without any argument whatever, but by the slightest consideration of the Stamp Acts. He should avoid, in the statement he was now about to make taking an exaggerated view of the evils of the present Stamp Laws, by looking to the extreme points of the scale, but he would only consider the mean amount of duty payable, and the mean amount of the sums upon which it was payable. This was where the great difference lay between his own statements and those of the hon. Member for Oldham. This constituted the chief distinction between the lines of reasoning followed by them on that occasion. If he could show that in the present state of the law, as concerned the payment of duties leviable, there was a gross and crying injustice and inconsistency, he would ask hon. Gentlemen to go with him in applying an immediate and efficient remedy. He trusted that the House was aware, that according to the principle on which the Stamp Laws in force at the present moment were framed, a certain amount of duty was payable upon bills, mortgages, or bonds of any description from 50*l.* to 100*l.* value; another on those from 100*l.* to 200*l.*; another on those from 500*l.* to 1,000*l.*, and so on by a fixed scale; thus applying the scale of duties to the scale of mean payments, and working out the computation accurately, it would be found that a lower amount of duty was charged upon bills for large sums than was payable on those of small value—that the smaller the bill the larger was the amount of per centage. On a mortgage there was a larger amount of duty payable when the sum was small than when it was great; and thus, in this proportion, though not to the extent stated by the hon. Member for Oldham, a larger tax was imposed upon transactions comparatively small in value, and consequently upon the poorer classes, than upon large transactions, which in most cases affected the wealthier classes. He would take the case of conveyances. In cases where the purchase or consideration money did not amount to 20*l.*, the mean amount of duty payable at present was 5*l.* per cent.; where it was from 20*l.* to 50*l.* the mean amount of duty would be 2*l.* 17*s.* 1*d.* per cent. But as the scale ascended anomalies still more striking presented themselves. For instance, upon a conveyance the consideration of which was from 4,000*l.* to 5,000*l.*, the same proportion of duty was payable as upon one the value of which varied from 40,000*l.* to 60,000*l.* The same duty was levied upon all conveyances from 60,000*l.* to 80,000*l.*, so that the identical duty was payable upon one of the value of 60,000*l.* as was charged on one where the consideration was 79,900*l.* The duties levied upon bonds were not less oppressive and unequal. The duty payable upon one of 250*l.* was 14*s.* per cent; upon one of 2,500*l.* 5*s.* 10*d.* per cent., and upon one of 12,500*l.* only 2*s.* 4*d.* per cent. The scale stopped at 20,000*l.* and a bond for 40,000*l.* was subject to no more duty than one for 20,000*l.* This was irreconcileable with the real principles by which taxation should be regulated, and nothing, he thought, could lead the House to continue the system he had described, except an impossibility to remedy it. The practical result was, that upon bonds of 40,000*l.* value there was a duty of 1*s.* 3*d.* per cent.; upon those of 4,000*l.* there was a duty of 4*s.* 2*d.* per cent., and upon those of 100*l.* there was a duty of 1*l.* 10*s.* per cent. He need scarcely enter into any further details to exemplify the principle of the present laws, because those who had attended to the subject of debate on a former occasion would see that these statements were perfectly in accordance with the whole of the arguments he had then brought forward, and because these results were derived, not from extreme views, but from a consideration of the mean amount of payments, which was the true way of viewing the subject. He would give an example of what he should propose as a remedy for this in the case of conveyances. He had shown that the duties varied upon similar sums, rising sometimes as high as 2*l.* 13*s.* per cent., and falling to 1*l.* 10*s.*, while between 1,000*l.* and 2,000*l.* they fell to 16*s.*, but the general average was 1*l.* He had taken the opinions of professional men on this subject, and he believed that the plan he should submit to the House would effectually remedy this inequality. He proposed one uniform scale of duties, that a tax of one per cent. should in all cases be imposed. In very few and trifling instances would this plan give the slightest additional increase to taxation. It would leave the revenue very much in the same condition as at present, while extensive relief would at once be afforded in all cases where similar conveyances were taxed unequally. An application of the *ad valorem* principle would run through great part of the Bill he should introduce, and hon. Members would perceive how very convenient this would practically be to men of business. There would no longer be room for doubt on any point. There could be no conflicting opinions, every one would instantly know how the case really stood, and could carry in his hand a simple formula, that would enable him at once to solve any question that could arise. This would apply also to the question of probates. He would call the attention of the House to the very great alteration he meant to propose in this part of the law. By the law as it stood, in cases of property passing by descent, the duty was calculated upon the gross value of that property. This subjected individuals to very considerable hardship and inconvenience, because the law was, that although they were charged upon the gross amount of the property, they were afterwards entitled to reclaim from Government a proportion of the duties they paid. This was a very complicated process, and a very unjust one on the part of the state, unless it were actually necessary to secure that which was the right of the state—the duty upon the net proceeds. The administrator or executor was required to advance the duty, as if the estate was altogether clear of incumbrance. Individuals, rather than go through the necessary forms and technicalities requisite to claim the whole amount of duty they would be entitled to from the Stamp-office, desisted from making their claim, and the consequence was, that the revenue received much to which it was not entitled. He would propose an alteration in the law in this respect, which, after communication with individuals most competent to give him advice on the subject, he believed he might say would afford considerable relief. Individuals would be required to pay the duty, not on the gross, but on the net amount of the estate. No one subject had been brought forward more prominently than this in all the discussions both at the Stamp-office and the Treasury. His right hon. Friend opposite, whom he saw taking notes, knew that no subject had given rise to more application than this, and that no part of the law bore harder upon the public generally. The tendency of it was to bring into the Exchequer a mass of property which the state was not entitled to receive, and he was bound to make an alteration in this state of things, if the evil could be remedied without introducing inconveniences still more formidable. With respect to another important branch of the law, he proposed to make a considerable change—he meant the duties upon bill stamps. The duties upon bills as they now existed might be divided into two classes—the duties on what might be termed foreign bills, and those on home or domestic bills. In the duty on foreign bills he would make no change. With regard to the duty generally on home bills, it appeared to him to bear with great injustice on bills drawn for small sums. He did not think it would be desirable to give undue encouragement to bills drawn for smaller sums as compared with those of a larger amount, but neither was it just that they should reverse the ordinary principles of fiscal regulation, and subject them to double and treble duty. All that he should propose would be, to adjust the bill scale as fairly as he could in reference to the amount, and to carry out the *ad valorem* principle as far as possible. Of late years there had existed a practice which, however reluctantly, he could not but characterize as an evasion of the duty upon bills. A custom had arisen of drawing, in place of bills, letters of credit, which were passed from hand to hand, and sometimes even negotiated by endorsement, though others, more prudent, refused to endorse such documents. The letters of credit, even quite unendorsed, had been often made to supply the place of bills. Unquestionably this practice was an evasion of the law, but he believed that one cause of it was the high rate of duty charged on bill stamps. Hon. Gentlemen would observe that these letters of credit could never be employed for the purposes of bills of a long date, or of great amount. They could not be used to any great extent as a means of postponing payment of a sum, or of obtaining an advance of capital. It was his intention now to introduce a scale of duties on bills drawn at a period not exceeding seven days from the date, calculated not to admit postponement of payment, nor to allow the raising of money upon them. On this class of bills he meant to propose a very slight duty—scarcely more than a nominal rate. He could not but regard the negotiation of letters of credit as a practice of very questionable legality, and it would be rendered still more so by the proposition he should make. In point of fact, the convenience of a bill of exchange payable to order, valid in point of law, would be of the greatest possible advantage to the commercial interests and the public generally, and would be used largely as a substitute for the present system of letters of credit. He had had much intercourse with parties who were well acquainted with that system, and their opinion was that his proposition would give great facility in mercantile transactions. He knew how very dull and uninteresting these details were, but he trusted that the House would bear with him if he ventured still further to solicit its attention; and they might be regarded as less necessary, as the House was not now to be called on to agree to these measures; but he should not have done justice to the Government nor to himself, if he had caused the schedules to be printed without offering some explanations to the House. There were several other alterations which he intended to propose, and among these one very much called for by the humbler classes of the community—the reduction of the tax leviable upon apprentices' indentures. He meant to propose a large reduction in this tax. At present, where there was no premium, or where it was under 10*l.*, a duty was imposed of 20*s.* He was not called on then to discuss the policy of the laws relating to apprenticeship, but as long as they remained on the statute book it was unjust by fiscal regulations to deprive parties of the means of executing contracts into which they were willing to enter. He proposed to reduce this tax from 20*s.* to 10*s.* upon the lowest class of indentures. The tax on bills of lading he proposed to reduce from 3*s.* to 6*d.*, and to reduce that on charterparties from 35*s.* to 5*s.* With regard to leases, he meant to propose a great alteration, which he hoped would be felt as a very considerable relief by the agricultural interest in the northern and western parts of England, in which chiefly the leasing system existed. The present rate of duty upon leases was felt to be extremely oppressive. Where the rent was 20*l.* or under, the duty was now 20*s.* He would propose that this should be reduced to 2*s.* 6*d.* Where the rent was 300*l.*, and the duty now levied 3*l.*, he should propose a reduction to 1*l.* Where the rent was 600*l.* he should propose a reduction of duty from 4*l.* to 3*l.* He anticipated that the loss of revenue from this reduction would be amply compensated by putting an end to the exemptions from the duty at present existing, in favour of leases for the term of three lives and ecclesiastical leases. These cases would come under the general provisions of the law, subject to the reductions he should propose, and the *ad valorem* principle would come into operation as regarded them. In several additional instances, he proposed to carry reduction still further. On administration-bonds under 1,000*l.*, the duty was 20*s.*—he should propose to lower it to 5*s.*, and he did not think the revenue would lose anything by the change. He wished to call the attention of the House to this fact. The large amount of the Stamp-duty charged upon these transactions had the effect, not of bringing in revenue, but of prohibiting those transactions which would augment it; and when he came to think, that on the legal execution of the contract requiring a stamp, might depend property to a great amount, he was unwilling, by fiscal regulations, to deprive any individual of that which was justly his due, or to prevent him from asserting his rights. He believed, that by these reductions no very material loss to the revenue would be incurred. He expected, also, to obtain some saving to the public by remitting the amount of discounts allowed. In particular cases, as in the case of administration-bonds, discounts were allowed, which generally went into the pockets of professional persons, and by putting an end to allowances of this kind, he calculated on a saving of 10,000*l.* or 12,000*l.* a-year. He intended, also, to follow out the principle which had been applied by Lord Althorpe, when Chancellor of the Exchequer. That noble Lord had lowered the Stamp-duty on insurance for farming-stock, and he meant to carry this reduction further, and apply it to farming buildings. Frequent applications had been made to him on this subject, and he saw no reason to continue the duty. He knew that, with respect to this and other trifling matters, before the reduction was carried into effect, they were the subject of great vituperation; but the very moment the concession was made, the tables were generally turned against the parties who had so freely censured it. These changes were made in good faith, and were meant to give relief to particular classes of persons; and he hoped those now proposed would not be attributed to any wish to give rise to false expectations, or excite any delusion in the minds of the people. He noticed this, because he always stood in terror of being taunted with the relief they had once given to taxed-carts and shepherds' dogs. There was no subject on which they had been more taunted than on that. The right hon. Member for the University of Cambridge had called the attention of Government to the tile duty, and had told them that this was a tax bearing in a manner practically injurious upon labour. Well, no sooner had they taken off that duty, than they were assailed with vituperation. The budget, in which these reductions were announced, was called the taxed-cart budget, the shepherd's-dog budget, and the tile budget; and a change which was effected in a good spirit and with the best intentions, was made the matter of much obloquy and reproach. But, in spite of this vituperation and ridicule, Ministers were always happy when they had an opportunity of making any reduction, however small; and if he could find out any other matters of the same kind, where an alteration would be beneficial, he would rather give the relief, and bear the censure that might follow, than suffer the hardship to continue. In the propositions he was about to make, the House need not be very much alarmed at the introduction of any new subject of taxation. When they looked through the schedule, they would not find any probability of an increased taxation arising on any one head, except in so far as the arrangements of the plan now proposed would be likely to insure an increase of revenue, by the relief which they would give to many interests now labouring under depression from the weight of the duties. For instance, if the reduction of duty on leases increased the amount of revenue derived from them, he thought that neither the House nor the public had any right to quarrel with such an augmentation. The operation of the *ad valorem* principle might, indeed, create a temporary pressure at some parts of the scale, but the application of the principle, in a plain and intelligible manner, would be more than a compensation for the increase of charge which might thus result, while the pressure at one end would be counterbalanced by the relief at the other, where it was most wanted. He would proceed next to the question which he had touched on in the early part of his remarks—that of the Stamp-duty on Newspapers. But, before he entered on that subject, he wished to state distinctly the course he intended to pursue on the present occasion. He meant to report the schedule, with the consent of the House, to obtain leave to introduce a Bill embracing the topics which he had enumerated, to circulate that Bill, along with the schedule, among hon. Members, till a day to be fixed after Easter, and then finally to take the opinion of the House as to his proposition. Undoubtedly, this course would be open to objection, if there were in the House any hon. Gentleman disposed to move an increase of those duties; because, though it was competent for any one to move a diminution in the Committee on the Bill, he could not move an increase of the duty without recommitting the schedule. He did not imagine there would be many Gentlemen in the House anxious to move an increase; but if any hon. Member should happen to be so extremely desirous to signalize himself in this way, he was ready to enter into a compact with him, and to recommit the schedule for his special convenience. He remembered the ground he had formerly taken with reference to the motion of the hon. Member for Exeter, and from the opinion he then expressed, he was not now disposed to depart. He then said, it was just and right that the whole question of the finances of this country should be considered, not bit by bit, but as a connected whole. The claims of the respective parties should be compared, and relief should not be voted to one class, whether licensed victuallers on the one hand, or gentlemen representing the great soap and tallow interests on the other, without due consideration. The House should not be called on to vote in matters of taxation in detail; but the state of the whole finances should be considered at once, and if there were a disposable surplus, then Parliament should consider how that was to be applied. He should not have introduced the subject of the Stamps upon the present occasion, but involving, as it did, the great interests of commerce and law, and all the obligations which passed under the name of contract, he felt that he should not be warranted in introducing a Bill for the consolidation of the Stamp-duties, if not only the metropolis, not only England, but Scotland and Ireland, were not to be made acquainted, in good time, with the alterations he proposed to effect. But, consistent with the principles he had followed on a former occasion, and with those arguments that had satisfied a majority of the House that his hon. Friend, the Member for Exeter, was premature in bringing forward his motion at the period he had selected, he should not ask the House to pledge itself to any principle till that time when he brought forward the budget. Upon the subject of Newspaper Stamps, therefore, it was not his intention to ask the House to pledge itself, but he thought it but fair, frank, and just, to those who advocated the opinions advanced in the petitions presented to-night to the House, and but fair to those who opposed them, candidly to state what he should propose to do in April on this subject. He did not mean to argue the question; that he should be prepared to do when he took the sense of the House upon it. He wished merely to communicate the fact, that Gentlemen might have a full opportunity of carefully weighing the project before they made up their minds. He could not hold out to the hon. Member for Finsbury, notwithstanding that respect which he bore to the petitions of the people—a respect as deep as that hon. Member's could be—any disposition or intention of moving the total repeal of these duties. He could not make such a proposition to the House, and he did not think that, if he were to make it, the House would acquiesce in it. Certainly, that would be no reason why he should refrain from submitting it to the House, if it were in conformity with his own opinions. If he were bound to submit it to the House by his sense of public duty, make it he would, and let the House decide on it. But he did not think it would be just on financial grounds. The House was aware that the duty now amounted to 4*d.* minus the discount; in return for this, the State undertook the duty of conveying the newspaper by post; and thus a certain proportion of this duty was rather to be regarded in the light of a payment for a service performed, than in the light of a tax for which no service whatever was rendered. Indeed, this part of the subject had impressed itself so deeply on the attention of some Gentlemen, that many were disposed to recommend the substitution of a postage duty of 1*d.* instead of the present tax. He believed, after the fullest consideration he had been able to give the proposal, that it had one slight objection, that of being totally and entirely impracticable. He believed, that if the burden of levying the whole of this duty as a postage were to be thrown on the Post-office, there would be great difficulty in carrying on the ordinary duties of the office, and the general correspondence of the empire. He viewed the duty partly as a payment to the state for services, and partly as a tax. The postage scheme would operate most unjustly. Why should they adopt a principle in itself so unequal? They wished to diffuse knowledge in the remote parts of the empire; but the imposition of a postage would make the possession of it much dearer to the population of those counties, than to that of the metropolis and the adjacent country. The proposition which he should be disposed to make to the House hereafter, would be the substitution of a tax of 1*d.* for the tax now levied. He should be prepared to argue this question—to argue it financially, politically, and in all its bearings, both against those who wished that nothing should be done in the matter, and those who wished that a great deal more should be done. He should make the best case he could against these extreme views of the subject, and he trusted the House would go with him in applying a practical remedy to that which he admitted to be a considerable grievance.

He could not help adverting to what had fallen from his hon. Friend on the present state of the law, as bearing upon personal liberty. He had stated last year to the House, that so long as the law remained in its present condition, no effort of his should be neglected for its administration, and for the protection of those persons who had invested their property in this particular department. The hon. Member for Finsbury had said, that he, for one, would never support, either in the House or out of it, the violation of the law as it stood. It was his bounden duty, and it was his determination to enforce the law, and to prevent loss or detriment to any individual by transgressing it. He had already been, in consequence of that determination, exposed to frequent abuse; but he was convinced, that so long as they let the present high duty remain, the violation of the law would be continued, and that it could not be put down until the cause of it was removed. His hon. Friend, the Member for Lincoln, had, last Session, brought forward the proposition he now submitted to the House. He had then urged, that in the existing state of the finances, it would not be prudent to make so large a reduction. If he could show the House, in April, that, adhering to the opinions he then held, they were now in a condition to make that reduction without any very great sacrifice, he would, under those circumstances, ask them to support him in his proposition. He would say a few words more with respect to the Stamp-duties. Having stated, generally, that no new duties would be introduced, there was one which he could not suffer to be voted, even *pro formâ*, in Committee, without calling the attention of the House to it. The right hon. Gentleman near him had just asked if the *ad valorem* principle would be applied to probates and legacies. Undoubtedly it would; but the great relief on this point, he considered, would be the payment of the duty, not on the gross, but on the net proceeds of the estate. He would revert to the subject from which the question of the right hon. Gentleman had diverted him. By the law, as it stood, an *ad valorem* duty was chargeable on the amount of consideration for the transfer of shares in Joint-stock Companies—such as railroad, canal, and banking shares. With this he did not mean to meddle, but he intended to superadd a small tax upon the first issue of those shares. It was far from him to wish to interfere with or discourage the application of capital to great national objects, and therefore the amount proposed would be very small indeed. It would not, in the slightest degree, operate to the disadvantage of any *bonâ fide* undertaking, but it would check transactions of a different kind—insecure and dangerous speculations, the very worst species of gambling. It would also operate beneficially in this way, that Government would know the project in which the shares originated, and the number brought into the market. A kind of registry of them would thus be formed, as had been proposed some years since, with reference to the Joint-stock Companies then created. He wished not to fetter, but to preserve and secure capital, and he could not see why, when there was a tax on the transfer of shares, a duty on the original issue should be considered objectionable. With regard to the Stamp-duties in Ireland, he could scarcely give an explanation without going into the whole subject; but he should not be acting candidly if he did not say, that generally they were very much lower than in England. The English Stamp-duties were, in proportion, nearly double the Stamp-duties in Ireland, and he proposed in the application of the Bill to Ireland, to adhere strictly to this proportion throughout, except in the case of the Newspaper Stamps, where one uniform duty would be established. He could not close this address without thanking the House for their indulgence. He knew that the exposition made was necessarily imperfect, and he should have felt it his duty to go with more fulness and precision into the whole question, if he had not known that he should have another opportunity of recurring to it. He should forget his duty if he did not acknowledge the obligations he was under to Gentlemen opposite, who had preceded him in that department of administration confided to him, and to the memorials left in the Treasury by the right hon. Member for the University of Cambridge. He was also much indebted for the assistance rendered by the gentlemen of the Stamp-office, and especially to Mr. Tyrwhitt, for the industry and ability which he had brought to assist him. It had fallen to him to make this experiment; he was well aware of the complicated difficulties that surrounded it, and of the various conflicting interests he should have to appease; but he trusted that the measure would prove satisfactory to the public, and afford, on many minor points, considerable relief. He could not sit down without expressing his gratitude to a gentleman near him (the hon. Member for Newport), a personal friend, for the efficient assistance he had rendered in completing the details of this measure when he was much engrossed with other matters, and unable to give them that they demanded. His hon. Friend had directed his attention to the subject with great credit to himself and advantage to the country. He owed it to the hon. Member for Newport to say how much he was indebted to him for the completion of the measure. He hoped the House would put him in a condition to have the Bill circulated, that the country might obtain the fullest information with respect to it. He wished that it should stand over, and the discussion taken hereafter. The right hon Gentleman concluded by moving the first Resolution, "That the several Stamp-duties, Allowances, and Drawbacks now in force, be repealed, and that, in lieu thereof, the several Stamp-duties hereinafter mentioned be enacted."

Mr. *Goulburn* concurred with his right hon. Friend, the Chancellor of the Exchequer, in the advantages to be derived from pursuing that consolidation of the statutes which was begun by his right hon. Friend, the Member for Tamworth, on the subject of the Criminal Law, which was followed up by his right hon. Friend, the Member for Harwich, on the subject of the Customs and Excise, and which he had himself meditated to accomplish on this very subject of the Stamp Duties when he was in office in the year 1830. His right hon. Friend, the Chancellor of the Exchequer, had only done justice to his predecessors in office, when he said that a measure of the same kind with that which he had that night so clearly developed to the House had engaged their deep consideration. When he (Mr. Goulburn) was in office, in 1830, he had completed the consolidation of the laws relating to the stamp duties—which then were only 161 in number, though they now reached the larger sum which his right hon. Friend had mentioned—and had introduced into the House in the early part of the Session of that year a new schedule of duties upon various articles. That schedule was different, he admitted, in many respects from the schedule which had been introduced that evening by his right hon. Friend the Chancellor of the Exchequer. His right hon. Friend, owing to the longer continuance of peace, and to the expansion which that prolonged continuance of peace had given to all the springs of productive industry, had been fortunate enough to have larger funds at his disposal than had fallen to his (Mr. Goulburn's) lot, and had, therefore, been able to make larger reductions than he could afford to the country with a due regard to public credit. Unfortunately, when he was in office, it was necessary for him to make some increase in some of the stamp duties, in order to meet the deficiency in the revenue, which he anticipated would arise from the reduction of taxes which he had proposed on some articles of general consumption. He admitted, likewise, that his plan of consolidation differed in some respects from that of his right hon. Friend, and if he (Mr. Goulburn) preferred his own plan, he hoped that the House would believe that it was not from any foolish attachment to it because it was his own, but from a deep impression on his mind that the course which he had himself struck out would be more convenient to the public than that which was recommended by his right hon. Friend. His right hon. Friend proposed to consolidate all the existing Stamp Acts into one Act, containing 330 clauses. His own intention was to have consolidated them into several Acts, classifying the duties under the several articles to which they were to apply. With a view to the simplification of the law, with a view to its being more easily understood, and with a view to its future alteration and amendment, which must be expected in laws relating to the revenue more than in any other class of laws, he thought that his course would be at once more efficient and more satisfactory. It was his intention to have brought in one general law applicable to all descriptions of stamps, and to have followed it up with ten particular statutes, each applying to a particular description of stamps. The first would have related to the stamp duties on deeds and law-proceedings in England; the second, to the stamp duties on bills of exchange and on promissory notes; the third, to the stamp duties on probates of wills and on letters of administration; the fourth, to the stamp duties on newspapers; the fifth, to the duties on cards and dice; the sixth, to the duties on hawkers' and pedlars' licences; the seventh, to the duties on plate; the eighth, to the duties on stage-coaches and post horses; the ninth, to the duties on the proceedings in the courts of law and equity in Ireland; and the tenth, to the duties on game certificates. He thought that it would be easier for any person to refer to any one of those ten bills for any information which he wanted, than to wade for it through one long and voluminous statute with no less than 330 clauses. He hoped that before his right hon. Friend brought in the Bill, of which he had just stated the substance to the House, he would consider whether he would not be likely to consolidate the existing statutes better by placing the different stamp duties under different heads, than by placing them all together indiscriminately in one Bill. He thought that such a consolidation as that which his right hon. Friend was now proposing would rather serve to increase than diminish, the bulk of the laws affecting the stamp duties. It would be something like an abridgement of *Blackstone's Commentaries*, made by a young friend of his, on commencing the study of the law. *Blackstone* was in four volumes, octavo, and his friend's Abridgement extended to not more than twenty volumes, folio. He would now proceed to make a few remarks on the expediency of the course adopted by his right hon. Friend, in bringing forward this new schedule of duties on the present occasion. The House would, perhaps, recollect that, on a former evening, he had expressed great pleasure in being able to support his right hon. Friend in his opposition to the repeal of the Spirit Licences, which he had rested on this principle—that, before the House pledged itself to the repeal of any tax, it ought to have before it the statement of the Chancellor of the Exchequer on the financial condition of the country, on account of the surplus revenue which was at his disposal, and an explanation of the claims of the different interests in the community to relief. Concurring with his right hon. Friend in that principle, he thought that his right hon. Friend would have been acting more consistently if, before he introduced a new schedule of stamp duties, involving a reduction on one particular article, if not on more, he had followed the example set by him (Mr. Goulburn) in 1830, and had laid before the House an account of the revenue, in which his consolidation must, of necessity, make some alteration. In May, 1830, he (Mr. Goulburn) had felt it to be his duty, as Chancellor of the Exchequer, to detail to the House the amount of our income and expenditure, and the probable surplus of income over expenditure; and after finishing that detail, he had stated the consolidation which he called upon the House to make. He contended that that was the most expedient course to take, and called the attention of the House to the great inconvenience to which his right hon. Friend had exposed himself by acting upon a contrary principle. In spite of the principle which his right hon. Friend had asserted on a former evening, that it was not expedient for the Finance Minister to pledge himself to the repeal of a tax before he was prepared to make a statement of the financial condition of the country for the year, he had pledged himself to one particular interest connected with the newspapers, to reduce the stamp duty on newspapers from 4*d.* deducting the discount, to 1*d.* Professing to keep the question of the repeal of taxation open, his right hon. Friend, whilst the House was yet ignorant of the amount of the revenue, and the surplus of that revenue over our expenditure, and of the claims of different interests to relief, had come to an understanding with certain parties that he would deal with an income of 400,000*l.* by reducing a duty of 3*d.* to 1*d.* He (Mr. Goulburn) did not mean to say what diminution in the revenue would be occasioned by this reduction of taxation; but he did mean to say this—that before his right hon. Friend acceded to that reduction he ought to have explained to the House the financial situation of the country. Supposing that the present stamp duties were a grievance to the proprietors of newspapers, were not the spirit licences also a grievance to the owners and occupiers of public-houses? And yet his right hon. Friend, who had refused to give a pledge to reduce the taxation of which they complained to one of those parties, had pledged himself on the same point to the other party. He thought that this was not acting with the candour which he had a right to expect from his right hon. Friend. He must say a word or two as to the alterations which his right hon. Friend proposed to make in the scale of duties; and here he must remark that there was one singular deficiency in the speech of his right hon. Friend. His right hon. Friend had told the House of the great alterations which he intended to make in these duties, but he had not said one word to it respecting the probable gain or loss which the revenue would sustain in consequence of those alterations. For his own part, he must confess that where the scale of duties was altogether varied, he could not make a calculation on the moment as to the amount of reduction in the revenue which the variation would produce. With respect to the alteration which his right hon. Friend proposed to make in the stamp duties affecting leases, he thought that, by reducing the amount of duty on the smaller transactions, and by increasing it on the higher, the revenue must sustain a loss. For it was the duty bearing on the greatest number of transactions which created the mass of the revenue, and not the duty falling on the higher, and, therefore, the least numerous class of transactions. If, therefore, he was not mistaken, this alteration would certainly lead to a diminution of the national income. The main alteration, however, which his right hon. Friend proposed was an equal per centage on all those duties which had hitherto been levied by a graduating scale, and that the per centage was to be a lower duty than that which was in force at present. He should like to have heard from his right hon. Friend the calculation which he had made of loss or gain from this alteration upon the data before him. With respect to the stamp duties on probates of wills and letters of administration, every person who had filled the office of Chancellor of the Exchequer knew the great difficulty of regulating those duties. To calculate the duty and to enforce the payment of it upon the whole amount of the personal property belonging to the deceased, and then to remit such a portion of it as covered the amount of the debts due to him, appeared at first sight a harsh measure; but the principle on which that amount of duty was levied was nothing else but the impossibility of getting the full amount of duty in any other manner. It would have been most satisfactory to him had his right hon. Friend stated to the House the means by which he expected to obtain the knowledge of the net amount of the testator's property—that amount which was now only obtained with difficulty, by means which he had condemned as unjust. Upon that part of the subject his right hon. Friend had been perfectly silent; and yet it would have been most satisfactory had he told the House how he intended to guard against the frauds which had been so often practised to evade the revenue laws on this head. His right hon. Friend, it appeared, did not intend during this Session to impose a new tax on more than one article, and that was to be imposed on the share which any individual might have in a joint-stock transaction. Now, he contended that this was introducing a new principle altogether into our system of legislation. There had always been a duty on the transfer of shares, but that duty was not imposed upon the share because it was property, but upon the deed which made it a conveyance of property, and which, therefore, rendered it liable to the duty. But his right hon. Friend now proposed to place a duty upon the share itself. If the duty were a moderate duty, and if it were intended to facilitate our knowledge of the parties who really held shares, he saw no objection on principle to the imposition of such a duty; but if the duty were carried beyond a moderate limit, it would be an obstacle to industry and a bar to enterprise. His objection would, therefore, depend on the amount of the duty, which his right hon. Friend had plainly stated that he would not declare until a future period. There was another point to which he must advert, at the risk of exposing himself again, as he had exposed himself before, to considerable obloquy, by the expression of his opinions upon it. It would, perhaps, be remembered by the House that, when in 1830, he submitted his schedule of stamp duties to Parliament, he had proposed to make an equalization of those duties throughout the empire—in other words, to make the stamp duties in Ireland the same as in England. He had made that proposition, because he saw no reason why two parts of the United Kingdom, now that they were united, should be liable to the payment of different duties. In point of fact, there could be no reason why a great landholder in Ireland should not pay the same amount of probate duty and legacy duty, and the same amount of stamp duty on his conveyances as an English landholder; and after the discussions which they had recently heard on the propriety of assimilating the laws passed for Ireland to those passed for England, he certainly did expect to hear his right hon. Friend opposite, and all those who clamoured for justice for Ireland, join in calling for that equalization. He did expect to hear them sing out in one grand chorus—"Do not degrade Ireland, by giving her a different stamp act from that which you have yourselves. We are not so poor and so wretched as to be unable to pay the same amount of duties that you pay. Assimilate your laws in both countries, and in taxation, as well as in other matters, give us the full benefit of the British constitution." But no; his right hon. Friend, and the friends of Ireland who sat around him, forgot upon this point their own principle: they did not wish the law of Ireland to be assimilated to that of England; and they were very well content that Ireland should only pay half the amount of stamp duties collected in England. If the House should be inclined to go along with his right hon. Friend in that proposition, it would undoubtedly be granting to Ireland a large and liberal relief; but before the House granted that relief, it ought to have had a statement laid before it of the revenue and expenditure of the country, and it ought to have seen whether, with a due regard to existing obligations, it could afford to give this reduction of duty to the newspapers, and to make this reduction in the amount of Irish stamps. He hoped that his right hon. Friend would follow the example which he had set him when in office, in 1830, and would lay upon the Table a statement in two parallel columns of the rates of duties now paid, and of the rates to be substituted in lieu of them by this schedule, in all the different parts of the empire. There was another topic in the plan of his right hon. Friend to which he must also briefly advert, and that was the duty which his right hon. Friend intended to propose upon bills of exchange. No man could fill the situation of Chancellor of the Exchequer without knowing how liable to evasion the law was on bills of exchange. If the alteration which his right hon. Friend intended to introduce upon this point should have a tendency to facilitate the transactions of trade, and to guard against evasions of the law, no man would be more glad of it than he should. His right hon. Friend had told them that he intended to reduce the duty on the smaller bills of exchange, but he had not told them what he intended to do with respect to promissory notes. Now, if the House did not deal with promissory notes as it was now recommended to deal with bills of exchange, the bankers would be compelled to make small bills of exchange, instead of small promissory notes, which they circulated at present, and it might be worth while to consider what effect that would produce on the circulation of the country. If, then, his right hon. Friend intended to deal with small bills of exchange, he must be prepared to deal exactly in the same way with promissory notes. His right hon. Friend had also informed the House of several small remissions of taxation which he intended to make, and which he considered as likely to be highly beneficial to the classes to which they would apply. He was not unwilling to receive even a small remission of taxation from the hands of the Chancellor of the Exchequer; on the contrary, he received it with joy and thankfulness; and that brought him to remark that his right hon. Friend had done injustice to hon. Gentlemen on his (Mr. Goulburn's) side of the House, when he taxed them with receiving his proposal to repeal the taxes on shepherds' dogs, on tiles, and on taxed carts, not with gratitude, but with ridicule and shouts of laughter. The reason why they had indulged in that laughter was, that his right hon. Friend had promulgated the repeal of those taxes as calculated to give great relief to the agricultural interest, then in a state of great distress. The ridicule was not applied to the reduction of the tax, but to the pompous and inflated style in which that reduction was proposed. The right hon. Gentleman concluded by expressing his entire concurrence in the suggestion of his right hon. Friend, that they ought not to avail themselves of their right to raise a discussion, which would be interminable, on each item in the schedule, but that they should confine themselves to the discussion of those items in which any alteration either had been made or ought to be effected.

Mr. *Edward L. Bulwer* had but a few remarks to make upon the important subject under the attention of the House. He should very certainly refrain from attempting to follow the right hon. Gentleman opposite, through the details of the many wonderful things which he set forth as having been within his intention to bless the nation with. Upon the right hon. Gentleman's speech he would only observe that it was quite in keeping with all the acts of his former public life, that though he had been ever opposed to the idea of giving to the Irish people an equality of British advantages, he was now most anxious to bestow upon them a full equality in British hardships. Nor was it his intention to follow the right hon. the Chancellor of the Exchequer through the details of his admirable, eloquent, and comprehensive speech; he merely rose for the purpose of saying a few words upon a subject in which he had himself been more particularly interested. He had been much blamed out of the House, and a little in it, for not pressing the House to a division on the last occasion that he had the honour of bringing forward the subject of the stamp duties on newspapers. His decision upon that occasion had been founded upon his conviction, from the assurance then given by the right hon. the Chancellor of the Exchequer, that his object would be as fully satisfied without going to a division, as if it went successfully through that or several other divisions, and in all probability more speedily. As to the proposed reduction of the newspaper stamp duties to 1*d.* he was still distinctly of opinion that the entire abolition of them was far more desirable than any reduction however large and liberal. But at the same time, as he knew and acknowledged that every liberal measure was the result of compromise, he should not think of rejecting the proposal of the right hon. Gentleman, which, under the circumstances, he considered to be the best compromise which could be offered. He, however, should reserve to himself the full right of speaking further upon this subject, and of voting in a division as he should think fit.

Mr. *William Ord* begged to offer the hon. Gentleman who spoke last his congratulations upon the near approximation which was proposed to be made to the object which that hon. Gentleman had so eloquently advocated when in a small minority upon the point. With reference to the right hon. Gentleman opposite, his proposal of placing in parallel columns the existing stamp duties and those proposed to be substituted, it would be impossible to act upon in the present case, from the nature of the sections. As to the right hon. Gentleman's joke about the abridgment of Blackstone in twenty folio volumes, it applied much more aptly to the right hon. Gentleman's own consolidation schedule than to the one now proposed. The schedule now proposed contained but 330 sections, while that of the right hon. Member extended to 456 sections, being thus more bulky by 126 sections than the present one. The right hon. Gentleman complained, that his right hon. Friend, the Chancellor of Exchequer, had anticipated his budget, but the same course had been pursued on former occasions.

Mr. *Thomas Duncombe* rose to order. He wished to ask whether this discussion was proceeding in the spirit in which it was stated by the right hon. Gentleman that it should. If the Government were to have leave to bring on the Government orders to the exclusion of motions, and long discussions were to ensue upon them, it would be impossible for Gentlemen who had motions to make ever to bring them forward. He did not say this with the least wish to press his motion on the House; he knew it would be defeated by a large majority; nevertheless he would press it to a division—but he asked the question with reference to other motions, and amongst them that of his hon. colleague, who had a motion on the paper for the total repeal of the stamp duty on newspapers. He was also favourable to the total repeal of that duty. The motion of his hon. colleague was made to give way, that the right hon. the Chancellor of the Exchequer might make his statement, and the understanding was, that no discussion should take place. They could not prevent hon. Gentlemen opposite from discussing the question if they pleased, it was a matter of taste for their consideration, and the right hon. Gentleman, the Member for the University of Cambridge, had gone into the question in a manner that rendered it impossible the debate could be put a stop to now unless he could prove that the spirit in which the subject was entered into had been violated by the right hon. Gentleman, by the Chancellor of the Exchequer, and by the hon. Gentleman who was one of the Lords of the Treasury.

Mr. *Ord* would save the House the trouble of debating the question of order by resting on the statement of his right hon. Friend to answer the objections which had been urged against it. He would merely beg leave to acknowledge the compliment, which in so gratifying a manner had been paid to him by his right hon. Friend.

Mr. *Hume* expressed himself satisfied with the statement of the right hon. Gentleman, as far as it went; but he still entertained a hope, that, at no very distant period, a new light would break in upon the right hon. Gentleman, and that he would become favourable to the entire repeal of the newspaper tax.

Mr. *Wakley* was not satisfied with the statement of the right hon. Gentleman, nor would his constituents be. He should certainly take an opportunity of dividing the House on the question as to the total repeal of the newspaper stamp duty. That impost was proposed originally by the 10th of queen Anne, for the purpose of putting down publications that were obnoxious to the Government. He could assure the right hon. Gentleman, that the general impression out of doors was, that the stamp tax was imposed in order that the newspapers might not give political information. The people thought that the goings in this House were such that the tax was imposed to prevent the people from coming to a knowledge of them. The people required information, and why was it to be denied to them? The hon. Gentleman then referred to the case of Cleave, who was confined in Tothill-fields prison for an alleged infraction of the Stamp Act. He never saw a more revolting sight than he witnessed last Friday, when he went to visit Cleave in prison. The 16th George II. provided for the punishment of the "venders" of unstamped newspapers. Mr. Cleave, when he was seized, had the papers in his bag in a cab. He was asked what he had in his possession, and he replied, "newspapers;" he was not "vending" them. Who could say what description of paper came legally under that definition. What was news? People had no right to publish the debates of the House. Could they be called news? Lord Tenterden had decided, that it was illegal to publish police reports. Could they, then, be called news? He thought these matters were subjects to which Ministers ought to give their most serious consideration.

Resolution agreed to.

EXCISE DUTY ON SOAP.] Mr. *Handley*, Sir, in rising to bring forward the Motion of which I have given notice. I regret that I cannot adopt the suggestions of my right hon. Friend, the Chancellor of the Exchequer. Indeed, even if no other circumstances impelled me, the right hon. Gentleman had himself certainly furnished an important reason why the question of the Soap Duties should without delay be brought under the notice of the House, by pledging himself to the disposal of a large portion of the revenue in a manner which I can assure him will not meet with the approbation of those whom I have the honour to represent, and who complained, not without reason, that they have unfortunately been always excluded from the financial arrangements of the Chancellor of the Exchequer, through whatever side of the House he might come. It will be in the recollection of the House that, at the opening of the present Session, his Majesty, in his speech from the Throne, called upon the House, to direct their special attention to any measure that might tend to alleviate the distress prevalent in agricultural districts. Of that character will be found the motion which I am about to introduce to the attention of the House; but it is also connected with a circumstance I think will be considered no slight recommendation. Much as I wish, and ever have sought, that the agricultural districts should receive that protection to which they are entitled, I confess, Sir, that I should not now, or on any occasions claim relief for them, at the expense of other portions of the community. And it will form therefore matter of recommendation to this motion, that, while it comprises some portion of relief to agriculture, it will benefit all classes of the community, and give encouragement to a most important and declining branch of British manufacture. It is unnecessary, Sir, to dwell upon the subject of agricultural distress; it is universally known and deplored. But I may be permitted to observe that last year it was not of a more mitigated character than at any preceding period. But as no evil is without its concomitant good, so there is some consolation, I am inclined to think, even in this state of things. I speak from many communications I have received as well as from my own experience when I say that the different classes operatives in this country are beginning to feel sympathy for their agricultural brethren in distress. I believe that the manufacturers have discovered that they are interested in our success, and that the operatives are at last convinced that even the price of the necessaries of life may be too low when accompanied with agricultural distress. Sir, tallow is entirely an article of agricultural produce; it is furnished by almost every class of agriculturists; there is scarcely a small farmer who does not keep his flock of sheep; and it is to be observed, that the grower of grain can change his produce for some article bearing a higher rate of profit, as he pleases; the farmer who produces meat; (whether beef or tallow) must necessarily produce tallow, which of all articles of agricultural produce is the most expensive and the least remunerating. From 1810 to 1820, the price of tallow was 73*s.* per cwt., from 1820 to 1830, it fell from 73*s.* to 42*s.* per cwt. I beg the House also to remember, that the duty on Russian tallow is only 3*l.* 4*s.* per ton, and I should have thought that hon. Gentlemen, and particularly my right hon. Friend, would have had too much jealousy of the Russian Chancellor of the Exchequer to have allowed that country thus to come into competition with British commercial interests. Last year, Sir, the duty on lamp-oils was reduced one-half the consumption has in; consequence, I am assured, nearly doubled. I will grant that the principle is so good that, at no very distant day, I hope to see it extended to malt but my object in mentioning it was only to remark that lamp-oils had, since the reduction of duty, come seriously into competition with tallow. But these, Sir, are after all, but mere minor complaints, compared with that which I am now about to submit to the consideration of the House. Independently of having to contend against the low duty on foreign tallow, and the competition of cheap lamp-oil, the best customer for British tallow, the soap manufacturer, has to contend against a system of excise, so odious, so anomalous, that nothing but absolute necessity can justify it. What will the House suppose when I tell them, that notwithstanding the manufacture of soap is one most dependent on science, and especially on chemistry, and notwithstanding that large sums are daily expended for gaining such information as may be advantageous to the improvement of the process; what will the House think when I tell them, that the soap manufacturer is unable to avail himself of those improvements suggested from time to time by the restrictions imposed on him by the excise system, a system which confines him to the use of the same machinery, and the adoption of the same processes, to which he was restricted in the reign of Queen Anne? What has been the consequence? Why, the home produce—there being no export trade,—is unable to compete with the foreign; and smuggling has increased to an extent really alarming—particularly in Ireland, where there is no duty, so much so indeed as to have been brought under the attention of the Commissioners of seh thed I am glad I have had an opportunity of inspecting their Report before bringing on my motion; and I call the attention of the Irish Members to the "Pandora's box" which I am about to open for Ireland. At present there is no duty on soap in that country; and one of the first recommendations of the Commissioners in their Report is that the duty should be extended to Ireland, and that both the countries should be placed under the same regulations. I congratulate the Irish Members on the cheering prospect of "equal justice" about to be dealt out to Ireland. I wish the hon. and learned Member for Dublin joy of it. But let him bear in mind that if he does not vote with me his fair land will soon be trodden by the unhallowed footsteps of a phalanx of soap duty collecting excisemen. Another recommendation of the Report is, that the duty on soft soap shall be reduced to 1*s.* 3*d.* per pound. There are eleven millions of pounds manufactured of that article (of which nine or ten million are consumed in manfactures); yet such a system of fraud and collusion is the present system of draw backs that of that eleven millions of pounds, on seven only is there a drawback the remainder being returned as hard soap. Now, Sir, the Commissioners of Excise (distrusting their own judgment,) have called to their aid that great professor of the science of political ecomony, Mr. Mac Culloch. He is asked a question, whether there was any objection to repealing the duty on soap and imposing an import duty on foreign tallow? His first objection (although I believe I could prove that he held at one one time very different opinions upon the subject), his first objection was that it would raise the price of tallow; I believe Sir, however, that when duly considered the disadvantage would be more than counter balanced by the advantages of the proposition. He calls in aid of his opinion, a portion of the manufacturing community, who use a large quantity of tallow in the dressing of leather:—viz. the curriers; what quantity of tallow they use, I am unable to say; but this I know that in many intances they gather tallow by pressing it from the skins, which they are manufacturing into leather; and, though the greasing of machinery must consume a considerable quantity, they have now completely superseded tallow by the cheaper article of lamp-oil. Mr. Mac Culloch comes then to that which I dare say will be pressed on me to night with the greatest force—viz. that it is contrary to the principles of political economy to impose a tax upon a raw material. No rule, Sir, however, is without an exception; and, in the present instance, the exception has been justified by two of the aptest scholars of Mr. Mac Culloch, Lord Spencer, (then Lord Althorp) and Mr. P. Thomson (the present President of the Board of Trade). The first of these advocated the same principle as that for which I am contending when he proposed to reduce the duty on wax candles, and to impose a duty on foreign wax; the other, when he brought forward a proposition for repealing the tax on printed calicoes and imposing a duty on the raw material. But Mr. Mac Culloch gave it as his opinion that to impose heavier duties on foreign tallow would create dangerous dissatisfaction in Russia and probably provoke proceedings against our trade with that country. Sir, I have yet to learn what there is so congenial in Russian policy, so important in Russian interests, as to induce the Government of this country to sacrifice at its shrine the interests of British trade, or of any portion of the British population. I am of the same opinion, Sir, on this subject as the hon. Member for Middlesex, and I beg leave to refer to his authority. On another occasion he said, "To Russia we owe nothing? England takes three times the amount in value from Russia of what she takes from us; and why should this country take timber to the amount of 800,000*l.* a-year from Russia, why should Russian tallow be admitted at a low duty, when she has lately imposed a duty of 12½ per cent on all British imports, and excluded our refined sugars entirely from her ports? The right hon. Gentleman, the Chancellor of the Exchequer, has just bespoken a large portion of surplus revenue for a purpose which, is, I think, not very congenial with the wishes of the rural portion of the community [*Hear, hear*], unquestionably not calculated to raise the price of wheat, or relieve, according to the recommendations of the agricultural Committee, any of the burthens pressing peculiarly upon land, peculiarly noticed in his Majesty's most gracious Speech from the Throne, I do feel, that the interest which I have undertaken to advocate will be placed in a most disadvantageous position if the House do not enable me, by a strong recommendation, to urge the matter upon the favourable attention of the right hon. Gentleman. Sir, the plan which I propose is this: to repeal the duty on soap, amounting to 600,000*l.* per annum; and raise the duty on importation of tallow to 10*l.* a ton, which will raise a revenue of 320,000*l.*, leaving 280,000*l.* to come out of that surplus, which from the liberality with which the right hon. Gentleman deals with it already, I have reason to hope will be announced to us. Yet, as the price of tallow in Russia is, I believe, far more than remunerating, we may assume that the benefit of the 320,000*l.* will be principally divided by the producers and consumers at home; but as the quantity imported is but fifty tons, and the quantity produced at home is 500 tons, I have a right to calculate that the benefit to the agriculturists will not be more than about a halfpenny per lb. in the price of tallow, or 32,000*l.* in the whole. Sir, it is true this may have the effect of raising the price of candles, and that is the only objection which can, with propriety, be urged against the proposition. But a penny a-pound has recently been taken off candles, and this plan will only impose a halfpenny a-pound on that article, while the consumer of candles and soap being the same, the diminution of the tax on the latter being four times the amount of the imposition on candles, the bargain will still greatly preponderate in favour of the public. They will gain the difference between the 320,000*l.* to be imposed, and the 600,000*l.* to be taken off. I should observe, that at no period could there be less apprehension entertained by Members representing the commercial interest as to the effect of any demonstration of opinion in this House. No detriment could arise to trade from any such expressions as the shipments from Russia take place between July and August. Sir, I therefore hope, that the House will affirm the abstract principle on which my Motion is founded, and with that view I beg to move, that the " House do now resolve itself into a Committee of the whole House on the Excise and Customs Duties, to consider the expediency of repealing the Excise Duty on Soap, and augmenting the Customs Duties on foreign Tallow."

Mr. *Halford:* Sir, I rise to second this motion in the discharge of that duty which I owe to my constituents, in common with the whole agricultural body. I wish their interests had fallen into abler hands; but, Sir, after the clear elucidation of my hon. Friend, I have little more to do than to repeat the appeal he has made for protection and relief to the agricultural portion of the country. The proposal of the hon. Gentleman, in my opinion, is calculated to benefit the agricultural interests, and not only their interests, but that of every other class of the community. I know very well that we should hear of the impolicy of imposing a tax upon the raw material. I think that such an argument would serve to show the injustice which would be inflicted on the agriculturists, if, under the present circumstances, we were to admit foreign articles of common necessity to the home market, while there is also a scale of duties which affords no protection to the British producers, and robs them of that fair remuneration to which they are entitled. It is my opinion, that the doctrines of free trade and political economy, however expedient they may be in other departments, are inapplicable to agriculture; an interest, the importance of which I cannot exaggerate; and which is now burthened far more than is consistent with sound policy. Unless protection is afforded to the commodity in question, it will be impossible for it to compete with foreign produce; and if we can transfer from the Russian Exchequer to the pockets of the British agriculturists, some portion of the duty now enjoyed by that country, I think we are bound so to do. I have no doubt that the small increase of duty which is now sought for on the foreign article would increase the value of land about 30*s.* per acre—there will be an advance in the price to that amount. But no man is more convinced than I am of the futility of any measure intended to relieve the agriculturists by depressing another portion of the community. I will say for myself that I am bound up with the manufacturing interest, and am the representative of a manufacturing as well as an agricultural district. It is clear that any injury done to the manufacturers would immediately be recoiled upon the land. In the district I represent this is felt to be the case. In Leicestershire the whole burthen of the support of the manufacturing population devolves exclusively upon the land. My meaning will be understood when I say, that in that county, which is a manufacturing county—a county in which the manufacturing exceeds the agricultural population—there 139,303*l.* 6*s.* was levied in one year for poor and county rates, and in that the contribution paid by mills and factories, liable to the assessments, was but 783*l.* The cost of the candle which gives light in the cottage of the Leicestershire weaver is to be deducted from his scanty weekly earnings. Such an individual will certainly feel the increased cost; but the proposal of my hon. Friend comprises a reduction in an article which is equally necessary; and I support that proposition, because I am convinced that the labouring population will be gainers in point of comfort and saving of expense by its success; that is an object of great importance, and I am prepared to give to the motion of my hon. Friend my warmest and most cordial support. On the financial part of the subject I have very little to say, but if I were competent to discuss this point, I would ask whether you will hesitate to choose between cheap newspapers and cheap soap? which is most conducive to the comfort of the labouring part of the community?

Mr. *Poulett Thomson* stated, that it was not upon the relative merits of his hon. Friend's proposition, as compared with the repeal of the tax upon newspapers, that he should wish to argue this question; but upon the simple proposition of his hon. Friend, and to say, that if the revenue were in a condition to spare the amount which his hon. Friend proposed to reduce, this was not the mode in which he should be inclined to appropriate it; because he believed that the proposition of his hon. Friend would not be conducive either to the general advantage of the country, or to the particular advantage of the class whose interests his hon. Friend advocated; and because, above all, he was satisfied that it was entirely opposed to the whole course of legislation which had been followed up for years by successive Governments, beginning with the Government, in 1820, under Lord Liverpool; by the Government of the Duke of Wellington; by the Government of Lord Grey; by the Government of the right hon. Gentleman opposite, and by the Government at present existing. He did not believe that the proposition of his hon. Friend had been correctly explained to the House. His hon. Friend, so far as he understood him, proposed to transfer the duty on tallow to this extent; he wished to get rid of the excise duty, and he proposed to make up for the loss of this duty, by the imposition of a fresh custom-tax; or a duty of 10*l.* per ton. His hon. Friend stated, as the result, a loss of 250,000*l.* to the revenue; and, as he understood his hon. Friend, the gain to the consumer would be 300,000*l.* Now, if the House would indulge him for a few minutes, he would, from his calculations, undertake to show, that the consumer would not be benefitted, that the landed proprietor would not be benefited, and that the country generally would lose a great deal. The consumption of tallow in this country was 155,000 tons; of these 55,000 tons were foreign tallow imported, and there were 100,000 tons of home produce. Take then the revenue on the plan of his hon. Friend, supposing his plan to be carried into effect, and that 55,000 tons was the quantity at present imported; suppose that so much should continue to be imported (and he should afterwards be prepared to show that such would not be the case), but supposing the same quantity should still come into the home-market, the duty upon that would be 550,000*l.* From that they must deduct the amount of the duty at present imposed, 171,000*l.* and there remained then the sum of 379,000*l.* as the probable increase of the revenue from this source. His hon. Friend had proposed the repeal of the soap duty, which he said was about 600,000*l.* That was the duty in 1834; but the net amount of the duty, deducting the drawback, was 736,000*l.* His hon. Friend had added a charge for collection; but they all knew, from experience, that where the excise existed for certain purposes, the reduction of officers would be nothing like the large amount, or equal to the difference which his hon. Friend had stated. Deducting then 379,000*l.* from 736,000*l.*, the loss to the revenue would be 357,000*l.* according to his hon. Friend's plan. But, according to that statement, his hon. Friend supposed that there would be no falling-off in the import of the article; and he was not right in assuming that. On the contrary, the natural result of imposing, where there was already 3*l.* a ton duty, an additional 7*l.* a ton, would be to add to the price of the article 20 per cent. There was every reason for calculating, when that was done, that there would be a falling-off of 15,000 or 20,000 tons. That would reduce the revenue still further—making the loss, as stated by his hon. Friend, not 250,000*l.*, but 357,000*l.* Indeed, he believed the loss to the revenue would be very little short of 500,000*l.* But the question of loss to the revenue formed but a small portion of the subject as he should view it. He now came to another part of his hon. Friend's statement—namely the gain to consumers, which his hon. Friend stated would be 300,000*l.* His hon. Friend did, indeed, admit that some disadvantage might perhaps arise from an increase of duty upon candles, and from the increased price to be paid by the consumer on tallow used in machinery. But that his hon. Friend should have passed over that part of the subject so very lightly did certainly astonish him. He had already stated that the home produce of tallow amounted to 100,000 tons; that of foreign importation to 55,000 tons. Now, how was that whole quantity distributed when it came into consumption? According to the best calculations made, it appeared that the amount of tallow consumed in soap was about 25,000 tons. It was supposed that about 115,000 tons were used for making candles. The amount used by machinery, hides, and other purposes was 15,000 tons. Thus they had 130,000 tons upon which his hon. Friend proposed to raise the duty, and 25,000 tons upon which he proposed to take it off. Now, these 130,000 tons upon which his hon. Friend proposed to increase the duty by the amount of 6*l.* 16*s.* (which, together with the present duty of 3*l.* 4*s.*, made 10*l.*), according to that increase, would produce 884,000*l.* He then added, of course, the proposed amount of duty on the 25,000 tons of tallow used in soap, being 250,000*l.*, from which he deducted the present amount of duty, 170,000*l.*, making a total of 1,064,000*l.* Now, he took his estimate of the soap duty at 736,000*l.*, which being deducted from the previous sum of 1,064,000*l.* produced a balance of about 330,000*l.*, which sum was lost to the consumer, instead of his gaining, as stated by his hon. Friend, 300,000*l.* Then if the revenue were to submit to this loss of 330,000*l.*, the loss, as he had shown, would be to the consumer. If, to make up this difference, his hon. Friend should propose to raise the duty from 10*l.* to 16*l.* a-ton, even supposing the amount imported to be as it was at present, instead of any falling-off taking place, that increase would scarcely be sufficient to secure the revenue from loss; they would even be obliged to go beyond it, and raise the duty to 20*l.* a-ton, in order to have any chance of preserving the revenue from loss. His hon. Friend had said, that according to their own principles, he could show that they had acted in a manner similar to what he now proposed, and gave as an instance the article of wax. His hon. Friend, with his acuteness, should have seen the difference between the two subjects. It had been said, "there is a river in Macedon and a river in Monmouth," and there was no more analogy between the two questions, than between those two points. There was but a small quantity of foreign wax imported; and when the excise duty upon candles was wholly repealed, it was not considered advisable to continue all the labour, trouble, and vexation of inspecting the import of such articles for a duty which was trifling in amount. He came next to the article of cottons, to which his hon. Friend had alluded. The duty was calculated at 2,000,000*l.* sterling; but there was received from it at the Exchequer only 500,000*l.*, all the rest went in drawbacks; and under all these considerations they came to this—whether for 500,000*l.* they would undergo all the annoyance and trouble imposed, as well as placing impediments in the way of trade, and that for collecting the excise duty on an article calculated to bring to the Exchequer 2,000,000*l.*, but of which the real amount was only 500,000*l.* What was then the duty of the House? It was some indication of what was likely to be the consequence of his hon. Friend's, motion, that to induce the House to agree to it, his hon. Friend had expressly and distinctly stated, that it could be but temporary. The tax upon raw cotton was admitted to be a bad one. Two years afterwards it was found to be so bad, that his noble Friend and himself had the satisfaction of coming down to that House and declaring that they would get rid of the obnoxious tax—and they now felt the full advantage of its certain repeal. Such, too, would be the case with any tax they might add to the tax on foreign tallow. What benefit then for the agriculturists did his hon. Friend propose by the imposition of a duty of 10*l.* upon foreign tallow for a year or two? It would only raise expectations, which could not be realised. It would be exceedingly unwise to create new hopes—inducing the agriculturists to turn their attention to other modes of cultivation; it would force produce—and the produce would be nothing but forced—because it would dedepend upon the continuance of a high duty, which the Legislature at some time or other must repeal. Nothing could be more unwise than thus forcing industry, and encouraging a manufacture by a bounty which could not last. But did his hon. Friend suppose that the manufacturers would be willing to pay the increased price upon tallow? that they would not, in their turn, at a time when chemistry was so far advanced, turn their attention to the use of oils, and the possibility of substituting them for tallow? Unless, then, his hon. Friend imposed an additional duty upon oils, his object would be defeated. An hon. Gentleman opposite said, that doctrines of political economy were not applicable to agriculture, and not applicable to the question of soap! Political economy had much to do with this question; and to impose a heavy duty upon the raw material of an article afterwards to be exported, was one of the most extraordinary propositions he ever heard. The effect of the proposition of his hon. Friend would be this—to raise the duty on exported soap to 10*l.*, when at present it is well known it can be scarcely exported, although only subject to a duty of 3*l.* Upon all these grounds,—that the proposal would cause a loss, a positive loss to the consumer, and that it would not be a relief to the agriculturists,—he should oppose the motion of his hon. Friend. He was satisfied that the permanent relief would be none, and temporary relief little. He would entreat the House not to be induced, under the pretence of transferring the burden of one tax to another commodity, to break in upon the system which had been matured and acted upon with such good effect for a long series of years. As to the duty on soap, he would remind the House that that had already been reduced by one-half, a circumstance which, he thought, gave it the less claim to immediate consideration with a view to further reduction; and for his own part, he was inclined to believe the amount proposed to be remitted might be better applied to the relief of the agriculturists, than by a remission of this particular tax. It was on these grounds that he was prepared to resist the proposal of his hon. Friend, a course in which he trusted he should be supported by the House.

Colonel *Sibthorp* had not heard a single observation fall from the right hon. the President of the Board of Trade which could be called an argument against the proposal of his hon. Friend, who, he only complained, had not gone so far as he (Colonel Sibthorp) was inclined to go. He was prepared to show, by means of stubborn facts, that if this proposal were acted upon, not only would the large body of the agriculturists of the country be considerably benefited, but the revenue itself would be increased. The right hon. Gentleman had put this subject in comparison with the trumpery tax upon newspapers, but he (Colonel Sibthorp) would venture to say that the labourer would gladly throw aside his book, and his newspaper too, if he could see a good sirloin of beef on his table. The hon. and gallant Member concluded by observing that when the Chancellor of the Exchequer brought on his budget he should again urge the claims of the agriculturists.

Mr. *Hawes* rose to offer a few words in support of the motion. He believed he could show that this question presented a case of sound special exception to a very good general rule, which had been well enforced by his right hon. Friend the President of the Board of Trade. At the same time, however, he must say that his right hon. Friend had betrayed a very singular want of acquaintance with the practical part of this manufacture. His right hon. Friend argued that an increased duty on raw material could not be imposed without proving injurious to the export trade in the manufactured article. But the case of soap was an exception to this principle; the fact being that the chief export trade in soap was supplied from other raw material than tallow, the greater part of exported soap being made from colonial oil. Putting an increased duty upon the imported tallow, therefore, could not affect the export trade in soap. His right hon. Friend had next gone on to show that the consumer could not be benefitted by adopting the present proposal. He was not prepared to say that the consumer would in every case be benefitted. In the case of candles he admitted that an increased duty on tallow must cause an increase in price to the consumer. By reducing the duty on soap, however, he contended the advantage must be considerable to the consumer; although the total amount of duty levied on soap was 1,076,000*l.*, the amount which reached the treasury, after all the various expences of collection had been paid, was only about 638,000*l.* He maintained, therefore, that the same argument which his right hon. Friend had used some years ago, when reducing the duty upon printed cottons, would apply to the present case, when it appeared that a very large amount of tax was levied upon the consumer, of which a very inconsiderable portion was available to the support of the state. Now, whilst this was the state of the case in regard to the revenue, the operation of the present system upon the manufacture of this very useful article of soap was equally remarkable. The trade having been almost at a stand-still for a considerable time of late years, notwithstanding the vast increase of population, and the increased consumption in other articles of general use, and notwithstanding the enormous fall which had taken place in the price of the raw material—notwithstanding all these circumstances, it would be found that the receipts upon the soap duties had been almost stationary since the year 1833-34. He had only one word to say with regard to smuggling, and that was, that that practice had not been diminished by the reduction of the duty upon soap. He believed it would be found on a careful inquiry, that the amount of soap actually made in England was nearly double what was charged for.

Mr. *Francis Baring* rose to offer a very few observations on the present question. To begin with the remark of the hon. Member for Lambeth, that soap for exportation was chiefly manufactured from colonial oil and not from tallow, that was an argument which went against himself.

It had been said, that the reduction of the duty on soap had been of no advantage, inasmuch as the consumption had been mostly stationary for a series of years. He trusted that no expression would ever be used by him which would manifest an indifference to the interest of that trade. He had only to refer to the reduction of the duty and the Report of the Commissioners who sat upon this subject, to prove that neither he nor his colleagues had been at all neglectful of that interest. In order to show how unfounded the assertion was, that the consumption of soap had not increased on the lowering of the duty, he would only state the opinion of a respectable witness who was examined before the Commission, and who alleged "that a much better and more economical kind of soap had of late been used, and consequently a much larger quantity of real soap consumed. This witness also stated, that half as much soap again would be consumed if there were no excise. For the purpose of clearing up all doubt upon this matter, he would just mention the average consumption of the years 1828, 1829, and 1830, compared with that of the years 1831, 1832, and 1833, was 17,000,000lbs. of hard soap, and 9,000,000lbs of soft soap; whilst, if the consumption of the year 1834 was compared with the average consumption of the years 1828, 1829, and 1830, it would be found to amount to nearly 20,000,000lbs. of hard soap, and 10,000,000lbs of soft soap. He begged of the hon. Gentlemen connected with Ireland to reflect how the proposed measure would affect them. The argument addressed to the representatives of England was, that they would have an equivalent for raising the price of candles on the reduced price of soap. Now Ireland paid a duty neither on soap nor tallow; and the consequence of the change proposed would be, to impose a duty on both those articles in that country.

Mr. *Warburton:* Sir, this proposition involves two distinct questions; first, the remission of the excise duty on soap; and next, the imposition of an additional duty on tallow for the protection and benefit of English agriculturists. In the beginning of this Session I was marvelling what measures they were that would be proposed to the House to give relief to the agriculturists without their putting their hands into the pockets of the general consumer. Sir, I see that now the problem is solved; here is a measure for imposing an additional tax upon tallow imported from a foreign country, the effect of which will be to raise the price of all tallow generally 7*l.* a ton, it being notorious that two thirds of the tallow consumed in this country is of home and only one third of foreign production. And thus the agriculturists will be relieved to the extent of 700,000*l.*, whilst the Government will receive by the imposing of the duty on foreign tallow only 380,000*l.* This I own is consistent with the views expressed at the beginning of the Session as to the manner in which the agriculturists would obtain relief, as well as with my own suspicion at the time that their plan for attaining that object would be by taxing the rest of the community. So long as the policy of the corn-laws is kept up, so long as any measure is proposed for the relief of the agriculturists by taxing the rest of the community, I will not cease to hold up my voice against them. It is an act of injustice to the rest of the community; it is coming forward to raise a flimsy veil before our eyes, while you are at the same time going to put on a tax for your own relief, bolstering it up by the pretence of taking off the excise duty on soap. Let a proposition be made for changing or taking off the excise duty on soap, and I will not say that I will not vote with you. But whilst I find that question mixed with that of imposing a duty on tallow I feel bound to resist the present motion. I must vote against the two motions because they are mixed inseparably together. With regard to agricultural distress what part of the agricultural body is most in want of relief? which has suffered most during that distress? not the stock-grazier, for the price of wool and meat remains high while other articles have been depressed? It is the wheat-growers who are the most distressed class, and they are just the class who will not be relieved by the present motion? Away then with this flimsy disguise; it is nothing more nor less than this, the putting into the excise 380,000*l.* a-year while you are putting into your own pockets 700,000*l.* a year; so long as such measures are brought into this House so long will I raise my voice and vote against them.

Viscount *Sandon* hoped that the Chancellor of the Exchequer would remember the beneficial effect of the former reduction of duty, and not persist in refusing the further reduction of the soap duties, which was demanded of him.

The *Chancellor of the Exchequer* begged to recall the attention of the House to the facts alluded to in the beginning of the debate, the effect of which he, however unintentionally to influence the division, had not, as might be supposed from the observations of those in favour of this motion, called on the House to come to a division on the question of the stamp duty; but, on the contrary, plainly and distinctly stated, that all discussion on the question should be postponed. He, however, felt bound to express his views on such a subject, because he considered it of importance that the opinions of the Government on a measure of so peculiar a nature should be circulated throughout the country, and carefully considered by the House. These were objects which could not be attained by any other than the course which he had taken. But so anxious and so cautious was he to avoid calling on the House for any decision on the question, that in the schedule moved for in Committee to-night, the duties now in force were proposed to be continued. He had said that he was unwilling to have the opinion of the House taken on the question of stamps until the period when, on a review of the whole of the interests of the country, it could be determined what was best to be done; and if he could have abstained altogether from disclosing his opinions on the stamp duty it would have been more acceptable to himself, and more consistent with the principles which he had laid down for the fulfilment of his duty. On the same principles he was anxious that the question of the reduction of the duty on soap should be left perfectly open to be considered when the general proposition as to the manner in which the revenue of the country should be made up, was submitted. When it was said, that such and such a measure would involve no sacrifice of revenue, he said, "Wait till you hear my propositions, and see if I make out a case; and I will hear your propositions, and adopt them if I can." The questions were open, and he was ready to argue them when the proper time came. With respect to the proposition before the House, there was one circumstance which had not been adverted to, but which had considerable weight. The only possible ground on which it could be proposed (though he dissented from the proposition) was, that it was a measure of relief to the agricultural interest. But were Gentlemen anxious to anticipate the decision of the Committee now sitting on the subject? Did they wish to overturn the authority of that Committee? Surely they ought to wait till they had the Report of the Committee. And with respect to agricultural distress, the growers of wheat were the parties distressed, not the raisers of tallow. The effect of the proposed measure would be, not to raise the price of foreign tallow only, but of all tallow, and to take, 2*s*. or 3*s*. out of the pockets of the people, while it would give only 1*s*. to the revenue. And this single interest had, a few years ago, been relieved of the whole duty on candles, and half the duty on soap. For that interest he felt respect and sympathy, but he must look to the welfare of the whole country, and he thought it was not to the advantage of that interest, in the eyes of the country, to come forward with a proposition by which they alone would be the gainers. The noble Lord had said, that the measure would act as a remission of rent to the extent of 10 per cent. to the occupiers of land. Either the occupiers of land were entitled to that abatement or not. If they were entitled to it, this would be so much in the landlord's pocket; and if not, the landlords would get it; so that the whole effect of the measure would be to add to the rental of certain landlords. He admitted the objection to the excise regulations, and when opportunities offered to remove them, he had always been ready to do that. He was desirous that this question, not of duty on foreign tallow, but of the remission of the duty on soap—should be reserved until he made his general statement, when, if a case were made out in accordance with the view of the hon. Mover, he should not hesitate to adopt it. But at present he could not consent to the adoption of a motion which would tend to a great violation of principle, and which must entail great injustice on the consumer. Not wishing then to prejudge the question of the duty on soap, and not desiring that it should be identified with another question which he felt bound to resist, he deemed it but fair, just, and reasonable, that the subject should be reserved for future consideration.

Sir *Robert Peel* said, he thought the right hon. Gentleman had not understood the precise nature of the complaint which had been made against the course he had pursued in respect to the stamp-duty. The noble Lord had not charged the Chancellor of the Exchequer with having given a pledge on that subject on the part of the House. It was quite unnecessary for the Chancellor of the Exchequer to vindicate himself from that charge, for it was a charge that had never been brought, and by no man of common understanding could it have been brought. Every Member must be quite aware that the Chancellor of the Exchequer could not, on the part of that House, give any pledge whatever. But the complaint was, that the Chancellor of the Exchequer had pledged the Government—that he had pledged himself and the Government, in respect to a reduction of a single class of duty, and it was considered unfair and impolitic to give any such pledge before they were in a condition to know the amount of available surplus, or whether there would be any surplus at all. It was matter of complaint that he should give a pledge to one class without considering the claims of other classes. The right hon. Gentleman said, "Don't prejudge the question; don't let us have a premature discussion." Why, what had the right hon. Gentleman done? Had he not prejudged the question? As far as it was possible the Chancellor of the Exchequer had entered on a premature discussion. Not only so, but, as far as he and the Government were concerned, he had given a pledge for the reduction of the stamp-duty on newspapers; the hon. Member for Lincoln said, he was so satisfied with the statement of the Chancellor of the Exchequer, that though he desired a total abolition of the duty, he was content with the promise he had received as to this one particular class of taxation, and being ready to listen to a reasonable compromise, he would not press his own view of the subject. When the Chancellor of the Exchequer had been pressed on the subject of the spirit duty, what had been his course? He had declined to express an opinion with reference to that duty. At any rate it was not fair that one particular class should have a pledge in favour of a reduction of taxation till the Chancellor of the Exchequer brought the whole subject of taxation before the House, and the Government should remain unpledged equally with the House, in order that it might consider impartially the claims of all. This was the nature of the charge which had been brought against the right hon. Gentleman the Chancellor of the Exchequer, and from that charge he was in no degree relieved. The right hon. Gentleman said it was necessary he should bring before the country his project in respect to the stamps, though in his project he had retained the whole amount of the duty; there was the old schedule without any alteration. But the Chancellor of the Exchequer was just as much pledged to reduce the stamp duty as if the schedule had contained the new duty. If there had been a *prima facie* case in favour of the proposition of the hon. Gentleman (Mr. Handley), he was entitled to bring it forward. Though it was dealing in a partial manner to make engagements for reduction of taxation before it was ascertained whether there would be any surplus at all, yet if he could make out a *prima facie* case, he was justified in pressing for relief. But, at the same time, although the Chancellor of the Exchequer had pledged himself to one alteration, the principle was so open to public inconvenience, that he (sir R. Peel) could not consent to make an exception in favour of this proposition. He adhered to the example of the right hon. Gentleman on former occasions, and he condemned his departure from it; and although he thought that all the interests of the country had a fair and equal right to the consideration of the House, without any positive pledge of relief being given to any one in particular, he should not vote for the principle of this question, because he thought the whole subject should be considered comprehensively, and the hon. Member had not shown a *prima facie* case. He saw no sufficient peculiar case of hardship—no case so strong as to justify a departure from the course which the Chancellor of the Exchequer had pursued on former occasions. He would not consent to increase the duty on tallow, in the present condition of this country, for many reasons. How could they expect that the portion of our manufactures which depended for success on a foreign market could thrive, if they did not permit a reciprocity of commerce; and if on the contrary we increased the duty on the raw material in which they were able to pay us? He was not able to perceive any sufficient cause which operated to warrant an exception in the case of Russian tallow to the general rule. The case of soap was a distinct one, and the arguments applying to it were altogether inapplicable to the other half of the question to which he directed the attention of the House. The relative position in which Russia stood to this country ought to receive particular attention. It came very little into competition with our commerce; it did not interfere with our manufactures in foreign markets. It sent us raw material, and took our manufactured articles in return. And unless the proposition extended to foreign oil as well as tallow the expected advantages would not result to the agricultural interest, and if that article were also saddled with a protecting duty it would have a serious effect on a branch of our manufactures that could badly endure it. Candles would inevitably rise in price, and were it considered how much this would interfere with the means, and comforts, and remuneration of the handloom weavers, who worked so many hours by candle-light, they would pause before they created such an additional embarrassment to the extensive branch of manufactures carried on by its assistance. By acceding to this measure, it was obvious that we should interrupt the course of commerce which now happily existed between this country and Russia, would interfere with the market it afforded for our present manufactured produce, as well as with the raw material, which supplies an important article for our manufacture, and would also increase the expense of candle-light, so necessary for our manufacturing purposes; consequences which would not at all repay us for any possible benefit that might immediately result to the agricultural interest; and which, looking to its intimate connection with our commercial and manufacturing interest, he did not expect would ultimately be for its benefit either. On these combined considerations he could not give his vote for the measure before the House.

Mr. *Charles Anderson Pelham* expressed his regret that the Chancellor of the Exchequer was not prepared with something for the relief of the agricultural interest. He could assure the hon. Member for Bridport that the agriculturists were not a selfish body; and though they did not wish to take a benefit to themselves at the expense of the community, they were anxious for relief, and would seek it in every constitutional way.

Mr. *Curteis* said, he should vote against the proposition of the hon. Member for Lincolnshire. The agricultural interest, to which he was attached, would not have the country with them in it, and therefore he hoped the hon. Member would not press his motion.

Mr. *Handley:* The right hon. Gentleman the Chancellor of the Exchequer wished him to wait for the Report of the Agricultural Distress Committee. Now certainly he (Mr. Handley) should not be induced to bring forward his motion the more because they had received that report, inasmuch as he only asked his right hon. Friend to do what he had already done with respect to the stamp duties, viz. to affirm the expediency of this measure: the hon. Member for Bridport and (also the Chancellor of the Exchequer) had remarked that the motion was for the relief of the agriculturists, why assuredly he would not for one moment have affected to bring forward such a motion, if it had not been with the hope of affording some relief to the agriculturists. He candidly confessed, it was with the view of giving relief to that interest to the extent of the halfpenny a lb. advance on tallow, but he considered the increase in the price of candles would be more than counterbalanced by the reduction in that of soap, and the getting rid of the excise. He considered that the agriculturists had a right to look for some relief after the speech from the throne; he considered it could be granted in no way with less expense to the public generally than in the mode proposed, and his right hon. Friend having already made one step towards the budget, he hoped the House would support him in taking one step further. He begged leave to take the sense of the House on his motion.

The House divided—Ayes 125; Noes 195,—Majority against it 70.

List of the AYES.

Agnew, Sir A.
Alsager, R.
Alston, R.
Angerstein, J.
Arbuthnot, Hon. H.
Archdall, M.
Ashley, Hon. H.
Astley, Sir J.
Attwood, T.
Bagot, Hon. W.
Bailey, J.
Balfour, T.
Barneby, J.
Bell, M.
Bennett, J.
Bentinck, Lord G.
Blackburne, J.
Blackstone, W. S.
Blamire, W.
Boldero, H. G.
Bonham, F. R.
Bowes, J.
Bramston, T. W.
Brownrigg, J. S.
Bruen, F.
Buller, Sir J.
Cayley, E. S.
Chandos, Lord
Chisholm, A.
Clive, Hon. R. H.
Codrington, C. W.
Cole, Hon. A. H.
Compton, H. C.
Crawley, S.
Crompton, S.
Dalbiac, Sir C.
Darlington, Lord
Dugdale, D. S.
Dunbar, G.
Duncombe, Hon. W.
Eastnor, Viscount.
Eaton, R. J.
Elley, Sir J.
Ferguson, G.
Finch, George
Fleming, John
Folkes, Sir W.
Forbes, William
Forester, hn. G. C.W.
Gaskell, J. M.
Gladstone, William E.
Gordon, Robert
Gore, Wm. Ormsby
Goring, Harry Dent
Grimston, hon. E. H.
Hawes, Benjamin
Hay, Sir J., Bart.
Heathcote, G. J.
Henniker, Lord
Hope, Henry T.
Hotham, Lord
Houldsworth, T.

Hoy, James Barlow
Jermyn, Earl of
Inglis, Sir R. H. Bart.
Jones, Wilson
Irton, Samuel
Knatchbull, Sir E.
Lawson, Andrew
Lefroy, A.
Lefroy, Thomas
Lewis, David
Lincoln, Earl of
Long, Walter
Maclean, Donald
Macleod, R.
Manners, Lord C.
Maunsell, T. P.
Miles, William
Miles, Philip J.
Mosley, Sir O.
Neeld, J.
Norreys, Lord
North, Frederick
O'Neill, General
Packe, C. W.
Palmer, Robert
Parker, M. E.
Peel, Rt. hon. W. Y.
Pelham, hon. C.
Perceval, Col.
Plumptre, J. P.
Pollington, Viscount
Powell, Colonel
Price, S. G.
Pringle, A.
Pusey, Philip
Rickford, W.
Rooper. J. Bonfoy
Rushbrooke, R.
Sandon, Lord
Scarlett, hon. R.
Scott, Sir E. D.
Scourfield, W. H.
Shaw, Frederick
Sheldon, E.
Sibthorp, Colonel
Smyth, Sir G. H. Bt.
Stanley, Edward
Stormont, Lord
Stuart, Lord D.
Trelawney, Sir W. L.
Trevor, hon. Arthur
Turner, Wm.
Vere, Sir C. Bart.
Vesey, hon. Thomas
Wason, R.
Welby, G. E.
Weyland, Richard
Wilbraham, hon. R.
Wilks, John
Wilson, H.
Wodehouse, E,
Yorke, E. T.
Young, Sir W. L.

TELLERS.

Handley, H.
Halford, H.

List of the NOES.

Adam, Admiral
Aglionby, H.
Anson, G.
Bagshaw, J.
Baines, E.
Ball, N.
Bannerman, Alex.
Barclay, David
Baring, F.
Barron, Henry W.
Barry, G. S.
Beckett, Sir J.
Berkeley, hon. C. C.
Bethell, Richard
Bewes, T.
Biddulph, R.
Blake, M. J.
Bolling, William
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, Rt. hon. D.
Buckingham, J. S.
Buller, Charles
Buller, E.
Burrell, Sir C. M. Bt.
Butler, hon. Col.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chalmers, B.
Chapman, A.
Clay, W.
Clive, Edward Bolton
Collier, John
Conolly, E. M.
Copeland, W. T.
Crawford, W. S.
Curteis, Herbert B.
D'Eyncourt, C. T.
Dilwyn, L. W.
Divett, E.
Duncombe, T. S.
Dundas, hon. T.
Ebrington, Lord
Egerton, Lord Francis
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W:
Fielden, W.
Fergus, John
Ferguson, Sir R.
Ferguson, R. C.
Finn, F.
Fitzsimon, Chris.
Forster, Charles S.
French, F.
Gordon, Robert
Graham, Sir J.
Grattan, J.
Greene, Thomas
Grote, G.
Guest, J.
Hall, B.
Hanmer, Sir J., Bart.
Harcourt, G.
Hardy, John
Harland, W. Charles
Hawkins, J. H.
Hay, Sir A.
Hector, C. J.
Hindley, Charles
Hobhouse, Sir J. C.
Hogg, James Weir
Holland, Edward
Horsman,
Howard, hon. E. G.
Howard, P. H.
Howick, Lord
Hume, J.
Hurst, R. H.
Hutt, W.
Jephson, C. D. O.
Johnson, Andrew
Kemp, T. R.
Kirke, Peter
Knight, H. G.
Labouchere, Henry
Leader, J. T.
Lefevre, Charles S.
Lennard, T. B.
Lennox, Lord A.
Lennox, Lord G.
Lister, E. C.
Loch, James
Lushington, Charles
Lynch, A. H.
Mackenzie, J.
Macnamara, Major
Maher, J.
Marjoribanks, S.
Marshall, William
Marsland, H.
Martin, T.
Maule, hon. F.
Morpeth, Lord
Morrison, J.
Murray, Rt. Hon. J.
Musgrave, Sir R.
O'Brien, W.
O'Connell Daniel
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R.
Oliphant, Lawrence
O'Loghlen, M.
Ord, W. H.
Ord, W.
Oswald, J.
Palmerston, Lord
Parker, J.
Parnell, Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Peel, Sir R.
Peel, Colonel
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Phillipps, C. M.
Pigott, Robert
Pinnely Wiliam,
Potter, R.
Poyntz, W.
Price, Sir Robert, Bt.
Rice, right hon. T. S.
Ridley, Sir M.
Roche, Wm.
Rolfe, Sir Robert
Rundle, J.
Russell, Lord J.
Ruthven, E.
Ryle, John
Sanford, E.
Scholefield J.
Seymour, Lord
Sheppard, T.
Sinclair, Sir George
Smith, R. V.
Smith, B.
Stanley, Lord
Stewart, Sir M.
Stewart, P. Maxwell
Strutt, E.
Stuart, Lord James
Stuart, W. V.
Sturt, Henry Charles
Talbot, J. H.
Tennent, J. E.
Thomson, C. P.
Thompson, William
Thompson, Col. T. P.
Thornley, T.
Tooke, W.
Troubridge, Sir T.
Tynte, Charles K. K.
Vernon, Granville H.
Villiers, C.
Vivian, Major
Vyvyan, Sir R. R.
Wakley, T.
Wallace, R.
Walter, John
Warburton, H.
Ward, H.
Westenra, H. R.
Wigney, Isaac N.
Wilbraham, G.
Wilkins, W.
Williams, W.
Williams, W. A.
Williamson, Sir H.
Wood, C.
Wrightson, J.
Wyse, T.
Young, G. F.
Younge, J.

TELLERS.

Stanley, E. J.
Steuart, R.

HOUSE OF LORDS,
Thursday, March 17, 1836.

MINUTES.] Bills. Read a first time:—Transfer of Property; Executors and Administrators; Wills Amendment.

Petitions presented. By the Duke of WELLINGTON, from Andover, for Extending the Time Allowed for Repaying the Sums borrowed by Parishes under the Poor-Law Amendment Act; from Manchester and Salford, for the Repeal of the Additional Duty on Spirit Licences.—By Lord LYNDHURST, from Truro, in favour of Mr. BUCKINGHAM'S Claims.—By the Earl of FALMOUTH, from Places in Cornwall, against a Clause in the Ecclesiastical Courts' Bill.—By the Marquess of BUTE, from Swansea and other Places, to the same effect.—By the Marquess of LANSDOWNE, from Limerick, in favour of Municipal Reform in Ireland; from Cork, for Reform in the Church of Ireland; from Southampton, for Relief to the Dissenters.

HOUSE OF COMMONS,
Thursday, March 17, 1836.

MACCLESFIELD COURT FOR SMALL DEBTS.] Lord *Stanley* moved the third reading of the Macclesfield Small Debts Bill.

Mr. *Roebuck* presented a Petition from Macclesfield, signed by 5,000 persons, against the Bill. The Bill, he observed, by one of its clauses, went to continue the principle of imprisonment for Debt, though the House had more than once decided that that principle should be abandoned, and though it was most probable a measure to that effect would be carried through Parliament this Session. Considering the Bill objectionable, upon these and other grounds, he should move that it be read a third time that day six months.

Lord *Stanley* complained that this opposition should have been reserved for the third reading of the Bill, after it had been thoroughly examined and discussed in Committee, and after it had passed through the Committee, with the approbation of all persons locally interested in the measure. The clause principally objected to by the hon. Member gave the Commissioners the power of imprisoning for Debt for seven days only, and should the general measure for the abolition of imprisonment for debt be passed, there was no doubt that it would override this and similar local Acts in that respect.

The House divided on the original question: Ayes 93; Noes 42—Majority 51.

Five other divisions took place on questions to prevent the Bill from being passed, when, finally, on the question being put for the fifth time, that the Bill do pass, a Motion was made that the House do adjourn, which was carried by 166 Ayes to 20 Noes; and the House adjourned accordingly.

HOUSE OF LORDS,
Friday, March 18, 1836.

MINUTES.] Bills. The Royal Assent was given by Commission to the following Bills; Slaves Compensation; and Capital Punishment Act Amendment.

Petitions presented. By Lord HOLLAND, from Manchester and Salford, in favour of Mr. BUCKINGHAM'S Claims.—By the Earl of STRADBROKE and Lord BRAYBROOKE, from a great Number of Places,—for Relief to the Agricultural Interest.—By the Earl of FALMOUTH, and Lords WHARNCLIFFE and KENYON, from several Places, against Parts of the Ecclesiastical Courts' Bill.

RAILWAYS.] The Marquess of *Lansdowne* rose, pursuant to notice, to move, "That a Message be sent to the other House, requesting a Copy of the Report of the Committee on Railway Bills, and also the Resolutions agreed to by that Committee." When this subject was before noticed, he had stated, that property to the amount of between 30,000,000*l.* and 40,000,000*l.* would be involved in the railways that were proposed to be formed. He now found that the Bills actually before the House of Commons, and which had been read a first time, involved a sum of upwards of 28,000,000*l.* The House of Commons considered that this was a matter which demanded serious consideration; and, in consequence, a Committee was appointed to inquire into it. That Committee, after an elaborate inquiry, had recommended that no Railway Bill should be further proceeded with, until the Committee to which such Bill had been referred reported to the House on nineteen different heads which were distinctly specified. Amongst these heads were, the fitness of the line of railway chosen—the likelihood or non-likelihood of its interfering with other lines—what number of shares was contemplated, and how many were subscribed for, &c. But the most important point of inquiry was, whether there was a fair likelihood of a greater degree of accommodation being afforded to the public after the completion of the railway than previously existed; or, in other words, how far the sacrifice made by individuals was likely to be exceeded by the additional accommodation which would thereby be afforded to the public. He conceived, that it would be extremely useful to their Lordships if the Report and Resolutions were laid before them.

The Earl of *Ripon* was rejoiced that his noble Friend had taken this preliminary step towards affording the public additional security on this important point. There were two classes of persons whose interests it was most desirable to protect; the one consisting of persons, who, dazzled by the brilliant prospects held out to them, engaged in these schemes without knowing what probability there was of their being ultimately successful; the other comprising those who were generally treated with very little ceremony by speculators—he meant the persons whose property was affected by the proposed undertaking.

Motion agreed to.

WAR IN SPAIN.] The Earl of *Aberdeen* rose for the purpose of submitting the Motion of which he had given notice. The subject to which he was desirous of soliciting the attention of their Lordships, and more particularly of the noble Viscount at the head of his Majesty's Government, for a few minutes, was such as he thought would relieve him from the necessity of offering any apology for bringing it under the consideration of their Lordships. It was not his intention to enter into any discussion on the conduct and policy of the Government, in the general course of their relations with the Spanish Government, or with reference to the contest itself. He begged, also, most entirely to disclaim any feeling of partizanship with either of the contending parties. He had never been an adherent of Don Carlos; he had no personal sympathy for his cause; indeed he had very little sympathy for either party. Neither did he complain of, or make any objection to the conduct of the Government in having recognised the legitimacy of the Government of the Queen of Spain, and in establishing diplomatic relations and relations of friendship with the power in possession of the Throne. He knew very well that a treaty of alliance had been concluded with the Spanish Government; and though he was prepared to repeat the strong condemnation which he had before expressed of the policy of that treaty, still he was the last man to recommend that any engagement ratified by treaty, and to which the good faith of his Majesty had been pledged, should not be faithfully and rigidly adhered to. His reason for taking the opinion of the House at that moment was, because he thought they were virtually and substantially participating in a cause, and in a system of warfare, which had been disgraced by atrocities and abominations unheard of in the history of any civilized country. It was remarkable that the contest, from its very commencement, had been carried on under circumstances of peculiar ferocity. Those circumstances had accumulated and increased. An attempt, indeed, had been made—a wise and humane attempt—by the noble Duke near him (the Duke of Wellington) to arrest the progress of these excesses, by changing the character of the contest, and by establishing a cartel for the regular exchange of prisoners. In that attempt the noble Duke fortunately succeeded; a convention was entered into in pursuance of it, and he (the Earl of Aberdeen) entertained sanguine hopes, that it would lead to the most humane results. Where was that convention now? Trodden under foot—scattered to the winds—unacted upon. He grieved to say—he wished he did not feel it incumbent on him to say—that the neglect of that convention was but too much attributable to the conduct of his Majesty's Government. He would not fatigue or disturb their Lordships with any recital of the various excesses which had been committed during the last few months. Unfortunately they were too notorious to need from him any recital for the purpose of giving their Lordships information. They had gone on increasing, until at last they appeared to have arrived at the very acme of ferocity. He would only allude to an event which their Lordships had recently seen detailed in the public papers, and it was indeed the immediate cause of his venturing to intrude upon them. He alluded to the relation of the murder of an unfortunate woman, the mother of a partisan of one of the contending parties. It appeared that a partisan of Don Carlos, named Cabrera had been guilty of various excesses; what they were, he knew not; if they had been detailed among those of which a statement had been furnished to their Lordships, they had escaped his notice; but whatever they were, he had no doubt they were bad enough. The military Commandant of the Queen of Spain—not having the power of inflicting punishment on this person—actually ordered the assassination of his unfortunate mother—a poor old woman, infirm, and helpless. The individual to whom the order for her execution was addressed, appeared to have had some touch of humanity in his composition. He paused, and wrote for instructions to the Captain-general of the province. The instructions arrived, and by them he was ordered to put the miserable woman to death. Now he did not know that he had ever met with anything quite so bad as this. He doubted whether, in the wildest and most horrible excesses of the French Revolution, anything quite so shocking ever took place; for mark, this was not the act of a subordinate savage or barbarian, it was no act of sudden and blind revenge committed by a man smarting under a recent injury, but it was a deliberate and cold-blooded deed, authorised by the highest authority in the country, committed after ample time had been allowed for full deliberation and reflection, and yet this Captain of the province was received with little less than royal honours on board one of his Majesty's ships. The colours were hoisted to the mast head—the yards were manned. The man was received in the very sanctuary of courage, honour, and humanity, with every mark of respect, who ought to have been met with an involuntary shudder of loathing and detestation. The individual whose mother was sacrificed, resorted, as might be supposed, to what was called retaliation, in which spirit he had, it appeared, already put to death four ladies who had fallen into his hands; and inasmuch as the Commandant of the Queen had already issued an order, by which he threatened that for every person put to death, who had been taken in arms, he would murder five innocent victims, the savage of the opposite party, Tarrano, had declared, that for every one put to death by his opponents, he would murder twenty. Enough, however, of these atrocities. He wished to show how this country participated, and in what degree our character was interested in this matter. A treaty existed which bound us to the performance of various duties towards the Spanish Government—the supply of arms, ammunition, and stores, among the number. We had afforded these supplies with no niggard hand. He believed we had already furnished arms for a much greater number of troops than the Queen had under her command, and that altogether no less than 400,000*l.* worth of military stores had been furnished to the Spanish Government. It never could have been intended by any treaty, by any engagement, or by any possible understanding, that these supplies were to have been furnished for any other purpose than carrying on a legitimate warfare, such as had been practised and was known among civilized nations. Otherwise, knowing as we did, how these arms were employed, he must maintain that, in furnishing these supplies, we rendered ourselves responsible for the conduct of those who used them. There was another circumstance which connected England with this contest. A numerous band of adventurers, under the special engagement and protection of the King's Government, and by means of the suspension of a law, suspended expressly for that purpose, had engaged themselves in this undertaking, and entered the service of one of the contending parties. He would not affect to entertain any great respect for the motives of a very large portion of those who were so employed. He must believe that the spirit of adventure, a love of fighting, or the desire of food, had been the leading motives of by far the greater portion of them. But, although this was the case, humanity could not but feel for the sufferings which these men endured under the horrible system of warfare which was carrying on. What sort of education was it, too, that these men were receiving in the art of war? Was it like that which had been obtained by those who had been engaged in foreign warfare, or was this a system which must send them back to their own country, should they ever reach it again, brutalized to a degree which no other war could have caused? Peaceable citizens always entertained a natural degree of jealousy of those who were accustomed to the exercise of arms, and inured to scenes of bloodshed. What could be expected from these men? Could any man doubt that they must be subjects for apprehension? He did not profess to be more strict and scrupulous than other people, but he declared, that he did entertain very great doubts, whether any Government could be justified in sanctioning the part which these men had taken in the Spanish contest. It was an established maxim, in which he fully concurred, that no war was justifiable which was not either strictly a war of defence, or in which the interests involved were not of such a magnitude as fairly to give it a defensive character. What were the interests involved in this contest which should induce the Government to facilitate the enterprise of these persons. Was the safety of the country involved in the Spanish question of succession? Was even the safety or the independence of Spain itself involved? No such thing. Neither of these considerations were in question. There was absolutely nothing in connexion with the subject which could at all justify his Majesty's Government in suspending the law and taking the part they did in such an atrocious war. It was high time that the House should know what endeavours had been made by his Majesty's Government for improving and softening the character of that unholy contest. One thing was quite clear, in connexion with any steps they might have taken—whatever had been done, had been done ineffectively, and without any avail, for the character of the war had not alone deteriorated, but, as it had been seen, was growing worse and worse every day. It had been said, that the Government were justified in permitting these persons to take part in that contest, because that there were some circumstances in the history of this country which presented an analogous case. He, in the first place, denied the analogy—denied that there was a single parallel instance in British history; and, in the second, he would assert, that even if there was—even if a precedent existed, which there did not—it would be a precedent "more honoured in the breach than in the observance," as it was one quite abhorrent to our modern feelings and modern policy. The Government could not, therefore, be acquitted on any ground of having engaged itself needlessly in that contest, and having given its sanction to that horrible war. He was most anxious to hear what the noble Viscount opposite had done to modify the character of that contest. The House would credit him, he believed, when he said, that it was at once in the power of the noble Viscount, and the Government, to give another character altogether to it. Was it to be thought of, that, considering the position which the noble Viscount stood in with regard to one of the parties at least in that war, it was not in his power to change the atrocious features of that warfare? If the noble Viscount chose to say, "I shall revoke the Order in Council which affords you supplies; his Majesty will recal his subjects from your service; and nothing shall be furnished you from this country, except what is absolutely necessary to comply with the conditions of the Quadruple Treaty, unless you at once change your system of warfare, carry on your contest in a legitimate manner, and fight no longer like tigers and hyenas, but like human beings and civilized men"—if the noble Viscount had made that declaration of his intentions, would it have no effect? It was idle to suppose for a moment that the Spanish Government would hesitate a minute in acceding to his wishes. But if such a supposition were within the compass of possibility, and that the noble Viscount did not find it in his power to deal with such barbarity as he could desire, he had only to come out from among them—to dissolve all connexion with them whatever. Nothing could justify a continuance of our connexion with such barbarians; and after what had occurred, if the noble Viscount did not immediately and effectively interpose, or if, having done so without effect, he remained a party to the contest, it would be a disgrace to this country and to his Majesty's Government. If the noble Viscount should take upon him to interfere, he most sincerely wished that his interference would be successful; but, whatever might be the result of it, the noble Viscount should be prepared to declare explicitly to the Spanish Government what would be the inevitable and speedy consequences to it should that system of barbarous warfare be any longer persevered in. If the noble Viscount did that, his object would be soon attained; if he neglected it, he would find himself as far as ever from its attainment. He begged to move, "That an humble Address be presented to his Majesty, for Copies or Extracts of the Correspondence with his Majesty's Minister at Madrid, showing the endeavours of his Majesty's Government to mitigate the sanguinary character of the warfare in the Northern provinces of Spain, and the remonstrances addressed to the Government of her Catholic Majesty for that purpose."

Viscount *Melbourne* entirely concurred in all the sentiments expressed by his noble Friend with reference to the character of the contest in Spain. In all the reprobation expressed of these acts of atrocity, which his noble Friend had so forcibly described, he entirely participated; and he begged their Lordships not to construe any of the observations he should have to address to the House, and not for one moment to suppose that any expression which might, by possibility, drop from him, could be intended in any degree either to palliate or excuse the guilt of those acts, or to diminish the horror with which they must be viewed. We were all somewhat apt to exaggerate when our feelings were excited. His noble Friend, he feared, took somewhat too favourable a view of the records of human nature, and the proceedings of nations, when he said the acts committed in Spain since the beginning of the contest, were never before paralleled in the history of mankind. He would observe, that he believed war had never been carried on in Spain in a very civilised manner; and he would add, that those which were considered as the brightest and fairest pages of our own history, were but too often tarnished with wanton bloodshed and unnecessary slaughter. Even that war in which the noble Duke opposite bore so distinguished and so illustrious a part, was marked in its commencement by the most violent excesses; and it was disgraced, as he had always heard, during its progress, by the most sanguinary and ferocious cruelty. He would say no more upon this point, lest he should be considered as doing that, than which nothing was farther from his intention, endeavouring to alleviate the feelings of just horror and indignation which the atrocities committed in the Peninsula necessarily excited. His noble Friend had commenced his speech by stating that he would not revert to the past, that he would not consider the general policy of the Government, that he did not condemn the recognition of the Queen of Spain, and that he would not then consider the policy of the Quadruple Treaty. He thought his noble Friend had somewhat departed from this course in the very severe censure he passed on the Order in Council by which the Foreign Enlistment Act was suspended, which had now been in operation a whole year, and with respect to which the noble Lord, though he had at times expressed his disapprobation of it, had never yet brought forward a motion in order openly to condemn, and, by means of that House, forcibly to arrest the policy of the Government. This was not fair to the Government—it was laying a snare to entangle it. It was not fair to the Government, it was not fair to the Crown, it was not fair to the country, not to object to a particular policy when it was first adopted, and afterwards to come forward and condemn it with severity, as the noble Earl had done, without submitting any formal motion to their Lordships on the subject. He would say that the most erroneous line of policy was better, if it were firmly, regularly, and consistently pursued, than the best, if it were subject to fluctuation and change; and he said it was not giving the country fair play to wait till a system might be supposed to have failed, and then to come forward and condemn it. It was a part of the proceedings of vulgar minds, which he did not expect would be imitated, in the most remote degree, by his noble Friend, to condemn a policy founded on the most approved principles, for the incidental misfortunes which sometimes accompanied, but was not caused by it. His noble Friend had also said, that an attempt, to which he was at all times ready to give all due credit, had been made by the noble Duke to put an end to this system of cruelty in Spain; and his noble Friend maintained, that in consequence of the conduct of his Majesty's Government, that convention had failed of its object, and been trodden under foot. Now he begged to tell the noble Lord that he could assure him the convention had not failed; that he understood that several exchanges of prisoners had been effected under it, and that it still continued to be acted on. All the atrocities that had been stated to have been committed had not taken place in the theatre of warfare; they had almost all occurred in Catalonia; and though undoubtedly there had been some atrocities committed between the conflicting armies, the scene of war had not been disgraced by anything like the extent of the barbarity which his noble Friend supposed to have disfigured it. That convention, therefore, had not failed; on the contrary, it had been productive of great good, and the Ministers could not be censured for a failure when, in truth, none had occurred. By the operation of the Treaty many lives had been spared. The noble Earl opposite had stated, very correctly, the facts of the case of Cabrera's mother—facts which had attracted the attention and exhibited the feeling of their Lordships in common with all mankind, and which the noble Earl allowed to be the immediate cause of his motion. The noble Earl had stated, that Nogueras had directed the Governor of the city of Tolosa to seize the mother of Cabrera, who resided in that city. The Governor at first refused to obey the order; but reference was made to Mina, who directed it to be carried into execution, and the unfortunate lady was shot. Cabrera, as soon as he heard of the death of his mother, directed four wives of officers serving in the Queen's army, and thirty others, to be shot. The moment this news was received, his noble Friend (Lord Palmerston) wrote to the Prime Minister of the Queen of Spain, expressing the utmost indignation, and demanding the most prompt inquiry and satisfaction. Mr. Villiers, the English Ambassador at Madrid, did not wait to receive any instruction from his Government, but he at once waited upon the Prime Minister, and demanded satisfaction for these horrible atrocities. Nogueras, it had been ascertained, had since been deprived of his command, and an inquiry instituted into the whole of his conduct. Some observations had been made as to the manner in which the Captain-General Mina was received on board one of his Majesty's ships. He (Viscount Melbourne) thought that the honours he received were merely paid to the office he held; and it was hardly to be expected that the officers of a ship were bound to consider the character and reputation of the man who was about to come on board their ship. His noble Friend condemned the policy of the Government in permitting British subjects to volunteer into the service of the Queen of Spain. This policy he (Viscount Melbourne) was most decidedly prepared to support. It was unfortunate that there should be wars at all; but war was sometimes, unfortunately, necessary; and if wars were being waged in other parts of the world, no obstacle, he conceived, should be thrown in the way of those who were desirous of engaging in war, and who were desirous of learning that which was merely a practical art. What education, he would ask, did soldiers generally receive? War was a hard and cruel mistress, and those who were subject to her sway naturally partook of her character and disposition. Now, these men would only receive the education that all soldiers received, or at least would receive under similar circumstances; and as to the apprehension entertained against their return into the bosom of the community, he conceived that to be utterly fanciful and visionary. He did not intend to say much more on this subject. It might very well be supposed from the character of soldiers, and the acts to which they were accustomed, that their previous habits were not likely to render them very peaceful members of the community; but in practice this was not found to be the case: for experience proved, that soldiers could return to the habits of civil life just as readily as those who had never been engaged in warfare. In saying all this, he begged that it would not be supposed that he did not most deeply feel the atrocities to which the noble Earl had referred. But, unless they were disposed to give up all for which they had been contending, unless they made an entire change in their policy, unless they were ready to sacrifice all the interests which they were desirous to maintain, unless they were prepared to throw up the cause of the whole of the western part of Europe, because of the partial horrors and atrocities which had been committed, what practical step could be taken? He again, however, begged most distinctly to be understood, that although he could not content to go that length, he was not the less anxious to express the deepest horror and detestation at what had occurred. He and done everything that he could do on the subject. He had no objection, therefore, to accede to the production of the papers for which the noble Earl had moved. Still, however, he was apprehensive that those papers would not exhibit the case, and the circumstances attending it, so fully as it might be desirable to exhibit it. He could assure their Lordships, however, that no opportunity would be lost, on the part of his Majesty's Government, of endeavouring to prevent the repetition of such occurrences. Their minds would never be withdrawn from that consideration. But however deficient the papers moved for by the noble Earl might be in furnishing all the information requisite on the subject, he begged it might be understood, that the original blame of the transactions in question did not appear to rest especially on the Queen's Government. It was, perhaps, difficult to determine, whether it belonged to the one side more than to the other. But as far as he could judge, these atrocities were commenced by parties in the interest of Don Carlos. The massacre at Barcelona seemed to have been provoked by acts of the other party of the most horrid nature. The matter, however, was merely one of report, so that he did not like to enter into any detailed statement respecting it. All that he wished was to protest against the peculiar blame being attached either to the Government or to the partisans of the Queen. They were all agreed in the propriety of maintaining the rights, the freedom, and the independence of the people of Spain; but while he stated that, he also begged to say, that he had no hesitation in concurring in his reprobation of the horrors which had disgraced that part of the world.

The Duke of *Wellington* said, my Lords, I am one of those who have invariably objected to these subjects being brought under discussion in this House. I refrained myself from proceeding upon a notice which I gave in the last Session of Parliament on the subject of this very contest. I also prevailed upon my noble Friend to refrain from discussing the question; and I can certainly say, that I have discouraged, as much as lies in my power, all discussion on this subject in the course of the present Session. My Lords, I little expected that my noble Friend and myself should have been reproached for having refrained from bringing forward the subject; that we should be told that we have been almost guilty of an offence in having refrained from bringing the subject under discussion in this House. My Lords, I will tell your Lordships fairly why we refrained. First of all, I will say I fully acquit the noble Lords of any intention whatever to give any encouragement to these atrocities. I believe that they dislike them as much as we do, and that they are as much astonished at them as we are. On this ground, therefore, I say I should have continued to refrain from this discussion were it not for the atrocious acts brought forward by my noble Friend on this occasion, and which alone induces me now to present myself to the attention of the House. The other reason which induced me to refrain from the discussion, was on account of the position of public affairs in general. It was likewise on account of the want of public feeling on this subject, and likewise because I did not wish to have it believed abroad that there was in this country any difference of opinion between the two sides of the House in respect to our detestation of the manner of carrying on the war. My Lords, for all these reasons, I pressed upon the House last Session the necessity of not proceeding with a discussion which had been commenced. I have since requested my noble Friend not to bring forward the subject, and most undoubtedly I should have prevailed with my noble Friend not to give notice of this motion,had it not been to bring these acts under the attention of the House. My Lords, the noble Lord accuses us of having refrained heretofore from bringing forward these matters, and of having brought them forward now as a charge against the noble Lord, we having omitted to do so when we had the opportunity on a former occasion. Begging the noble Lord's pardon, I cannot accuse myself of any offence in having omitted to state my opinion on that occasion. The noble Lord, and nobody else, is responsible for his own acts; and I for one will not relieve him from the responsibility which his acts cast upon him, by calling upon Parliament to deliver an opinion upon those acts, until the proper time comes for taking them into consideration. My Lords, I say I entirely acquit the noble Lord of any intention to give any encouragement—and perhaps this phrase is not sufficiently strong—I say I acquit the noble Lord of any intention to do otherwise than to state, in the strongest manner, his disapprobation of these acts; but I must say, the noble Lord has placed himself and his Government in a very awkward position, if he supposes that, when he sent out to Spain this body of British troops, he conceived it was at all possible to do so without violating that convention which was only concluded a short time before those troops went out. My Lords, the very circumstance of sending out a body of troops the noble Lord must know could not do otherwise than deprive us for ever of all power and influence at the councils of that Prince, with whom we took such pains to prevail upon him to adopt the convention. One of the immediate results of sending out those troops was, that the cartel could not be carried into effect These troops were positively not included in the cartel when they arrived out; and if this Prince had admitted them into the cartel, he would have made a concession for the purpose of extending to them the humane provisions of the convention. But, my Lords, those troops did not belong to the army at the period of the signing of the convention; and therefore, I say, when the noble Lord sent this body of troops to that country, he did so at the risk of not having the cartel extended to them, more particularly when it is considered that no measures were taken to ensure that end. But, my Lords, I say the most serious feature in the case is, that by sending a body of troops to Spain, his Majesty was made a party to this war; and that, by that act, we lost all influence with the councils of Don Carlos, either for the purpose of humanising the character of the war, or for any other purpose for which it might be necessary for us to resort to them. This, my Lords, I say, is the most important part of the case, and the part to which the noble Viscount gives no answer. The next point now is, with respect to the manner in which this war is carried on. Now, my Lords, I shall admit that it might be necessary to carry on the war, notwithstanding that it is carried on in an inhuman manner, and I must admit that I was a party to sending out arms and munitions of war to this very country previous to the conclusion of the cartel. My Lords, I was a party to this; but the noble Lord sends out this body of men—for what purpose? Is it, my Lords, to aid in the operations of the war? Why, let me ask, have they been of any use in the operations of the war? Have they done any one thing since they have been out? Have they been of any use to any party whatever? No, my Lords. What they have done is this: they have deprived the British Government of the respect it had acquired previously, and of the influence it might have exercised over the councils of the two belligerent parties. My Lords, this has been the state of matters since the arrival of these troops; and how could it have been otherwise? It must have so happened. My Lords, your Lordships may be certain that the very moment this corps arrived, at that instant the neutral character of his Majesty was lost, and from that instant he was deprived of that influence which could otherwise have been so beneficially employed. My Lords, I have considered it my duty to protest against any liability or blame attaching to any party with respect to the twenty-seven Carlist prisoners, who were certainly taken under peculiar circumstances. At the same time there can be no doubt that, under the law of nations, the Queen of Spain had a right to take these persons out of the ship. Therefore, laying aside all other considerations, there could be no doubt but that those prisoners were legally in the possession of the Queen. My Lords, I know it has been said that the cartel ought to have been extended to them, and that the noble Lord ought to have forced this on the consideration of the Queen's Government. Now, my Lords, I must beg to remind those who use this argument, that, in point of fact, the cartel did not extend to these prisoners. Under the articles of the cartel they were not included, as that instrument only extended to the armies engaged in the three provinces, or in the kingdom of Navarre. It was perfectly true that if Don Carlos's General had thought it expedient, the cartel might have been extended, and the Queen's officers would then have to answer, yes or no. But that was not done, and therefore they were not included in the articles of the cartel. My Lords, all that I can say in addition on this subject is, that these persons ought to be fairly tried, and dealt with according to the law of the country; but as to bringing them under the cartel, that is impossible. My Lords, I have thought it necessary to say thus much on this part of the subject. In respect to the others, my firm conviction is, that as long as the noble Lord perseveres in keeping this body of troops in Spain, he will not only make no progress towards putting an end to the war, but that he and his Government will lose all the influence which we should otherwise possess in preventing these atrocities, and he will find that, day by day, matters will become worse in that country.

The Marquess of *Londonderry* said, that considering the part he had taken upon a former occasion when this subject was before the House, he felt now called upon to say, that he felt precisely with the noble Earl who had to night made so proper an appeal to their Lordships' feelings as men and Christians. They were the sentiments which he had advocated ever since August last, when he brought their case under the notice of their Lordships. He differed, but with great regret, and greater diffidence, from the noble Duke as to the legality of the capture of the twenty-seven unfortunate men; but he was enabled, at least, to reflect with pleasure on the probability that the inquiry which he had been the means of instituting, would end in these unfortunate persons being set at liberty.

Motion agreed to.

HOUSE OF COMMONS,
Friday, March 18, 1836.

MINUTES.] Bill. Read a second time. On the Motion of the LORD ADVOCATE:—Bastards' Tenements; Instruments of Sasine (Scotland); Commissary Court Edinburgh.—On the Motion of the ATTORNEY-GENERAL:—Registration of Voters.

MACCLESFIELD COURT FOR SMALL DEBTS] Lord *Stanley* said, that he would move that this Bill do pass, without saying a single word that might tend to revive the excitement which prevailed on the subject of this private Bill yesterday evening, and he hoped that the hon. Gentlemen who had then opposed it would be now satisfied, having the printed copies of the Bill in their hands, and that no further opposition would be offered to its passing.

Mr. *Hume* said, that having been one of those who had opposed the Bill, he begged to say a few words. He had objected to it because it went to continue the principle of imprisonment for debt, a principle which that House and the Government had already condemned, and because it established a law in England that did not exist in Scotland. He objected to the Bill, he repeated, because he regarded it as a violation of a principle over and over again asserted by that House; yet, seeing that in the situation in which the Bill was, it was impossible to take any further step with regard to it, except either to reject or pass it, and seeing that it contained the objectionable principle of imprisonment for debt to the least extent possible, he (Mr. Hume), while he protested against that part of the Bill, and against being compromised by it, was not disposed, after what had taken place, to offer any further opposition to the measure.

Mr. *Aglionby* concurred in the view of the subject taken by the hon. Member for

Middlesex; and would not oppose the present motion.

Mr. *Harvey* could not but feel surprised, when he compared the fierce resistance which had been made to this motion last night with the very tame and insipid acquiescence in it to night. If he did not know what a sincere friend the hon. Member for Middlesex was to the revision of the Pension List, he should have supposed that he had received a hint—not from the Treasury Bench, for the Members there must of course be friendly to his motion—but from the other side of the House, to devise some stratagem or other by which his motion might be defeated. Knowing this, he should have thought, that instead of his hon. Friend's concurring in the motion of the noble Lord, he would have found ample justification for the course he had pursued in the Bill. True it was, such was the confusion of propositions last night, that he apprehended that those who made them were the most perplexed by them. For his own part, he would say, that to imprison a man, not because he had property, but because he had none, was a monstrous proposition; and if no other person in the House stood up against it, he would. He complained that private Bills were thought beneath a Member's attention, and no one would be heard upon them for a moment, unless it was some great club day, when some party question was expected to come on.

The House divided on the motion; Ayes 203; Noes 66; Majority 137.

Bill passed.

Business of the House.] Sir *Robert Peel* begged to ask the noble Lord opposite, (Lord John Russell) what course he proposed to pursue with reference to the business on the paper, which had been dropped in consequence of what had taken place on Wednesday and last night?

Lord *John Russell* said, that owing to there being no House made on Wednesday, the Committee of Supply did not stand in the orders of to-day. He, however, proposed to go into it, and with that view should move that the dropped orders be now read.

Sir *Robert Peel* remarked, that no notice had been given of a Committee of Supply to-night, though it was true that Mondays and Fridays were ordinary supply nights, and though there appeared in the votes of moving the navy estimates in the Committee of Supply, yet of that Committee the orders contained no notice. He thought a bad precedent would be established, if, without previous notice, the House proceeded to vote away the public money.

Lord *John Russell* observed, that he remembered several instances, in which a similar course to that he proposed had been pursued. It was the established custom to fix supply nights for Mondays and Fridays. though, in consequence of the House not meeting on Wednesday, the order for a Committee of Supply on that day could not be postponed until to-night. Though the navy estimates were on the notice-paper he did not propose now to take a vote in respect to them, but would at present content himself with moving that the dropped orders of Wednesday be now read, in order to their being disposed of, and to enable the right hon. Baronet opposite (Sir Stratford Canning) to bring forward the subject of which he had given notice.

Sir *Robert Peel* had no wish to obstruct the progress of the public business, but he must dissent from the statement of the noble Lord, that in several instances the same course as that now proposed had been followed. His (Sir R. Peel's) recollection was, it was only by universal consent that dropped orders took precedence, and that never had such a course been followed in respect to a Committee of Supply.

Mr. *Harvey* remarked, that there seemed a very considerable confusion as to the state of public business. This was to be attributed to the unprecedented course of proceeding pursued last night, and on the previous evening. He did not wish to impede the public business under the guidance of the Government: he never had done so, and it was only fair that the noble Lord who led the business of the House on the part of the Government should afford him every facility in bringing forward the important subject, so interesting to the public, into which he (Mr. Harvey) was last night prepared to have gone. He would, however, now state, that unless the noble Lord would assure him of some assistance in this respect, he would bring forward his motion with respect to the Pension List on the reading of any Order of the Day on Monday next, whether that order might relate to tithes, the church, or any other subject. At the same time, he wished it to be understood that this course was forced upon him, and that he had no desire to pursue it. He, therefore, would ask the noble Lord to accede to him some day, either before or after Easter, for the discussion of the subject to which he referred.

Lord *John Russell* said, it was not his fault that the hon. Member for Southwark had not an opportunity of bringing the motion of which he had given notice forward last night; on the contrary, he had expected the motion to come on, and had been prepared to meet it. The motion had been prevented being brought forward only in consequence of the discussion arising on a private Bill, and the motion thereupon for an adjournment of the House, made, he believed, by the hon. Member for Bath. He thought, therefore, the hon. Member for Southwark had no right to insinuate that his course had been impeded by his Majesty's Government. There were only Mondays and Fridays in each week on which Committees of Supply were fixed, or the Bills of the Government took precedence, and it was too much that the hon. Member should now interpose on one of those evenings, with a matter, though he admitted it to be of importance, but not of a pressing nature. If the hon. Member should persist in bringing it forward on Monday, when he, Lord John Russell should move the Order of the Day for the further proceeding of the Tithe Bill, he could not prevent the hon. Member doing so, though he must say that the discussion of the subject at that period of the Session would be most unnecessarily and vexatiously interposed. He did not deny the importance of the question, but he would not bind himself to its interference with that of the settlement of the question of Tithes in England. He would, however, in the course of the evening, communicate to the hon. Member some day after Easter, when he should be ready to meet him on that question, and to discuss it fairly.

Subject dropped.

Occupation of Cracow.] The dropped Order of the Day for going into a Committee of Supply having been moved,

Sir *Stratford Canning* rose, pursuant to notice, to call the attention of the House to the late events at Cracow. It would be in the recollection of the House that, about a fortnight since, he had put a question to the noble Lord at the head of the Foreign Department on the subject of a rumour which had then, for the first time, gone abroad, of the military occupation of Cracow by the combined forces of Austria, Russia, and Prussia. That which was then a rumour had since taken the shape of notorious and unquestionable fact, founded upon documents which had appeared in the public prints, as to the authenticity of which there was, he believed, no question. Aware as he (Sir S. Canning) was of the great interest taken by many hon. Gentlemen in this subject, he could not but regret the time which had necessarily elapsed before he had found himself able, on the present occasion, to follow up the inquiry he had then made; yet at the same time he was sensible that the delay had been attended by a counterbalancing advantage, for the noble Secretary for Foreign Affairs had, in the interval, had an opportunity of receiving communications from his Majesty's representatives abroad, of communicating with the ambassadors of Foreign Powers, and of taking the opinion of the law officers of the Crown on any parts of the question which might present doubtful points to his mind. It was with confidence that he now reckoned on finding the noble Lord prepared to enter completely and fully into the question, and to go at once into the real nature and merits of the case. The main object of the observations which he should have to submit to the House would be to show that the free and independent State of Cracow, forming an integral part of the great community of Europe, had been made the subject of military occupation—an occupation attended by circumstances calculated to arouse suspicion and to challenge inquiry. Yet, at the same time, he would not take upon himself to say, that the noble Lord might not be able to give a satisfactory explanation of the circumstances, and to show ultimately that nothing had taken place that was contrary to the law of nations and the solemn obligations of treaties. Judging, however, from the present aspect of the case, he felt himself justified in saying that the circumstances were such, at least, as to call for attention and explanation. Still nothing would give him greater satisfaction than to find, however the situation of the individuals who had been made the subject of the proceedings to which his motion referred might be deplored by that House, that our allies in the north had not overstepped the limits of a just and necessary duty. For the better elucidation of his object he would refer to certain documents explanatory of the actual state of the military occupation of Cracow, which, although derived from the public prints, were nevertheless authentic. The first of these documents was a joint note, addressed, on the 9th of last month, to the President of Cracow, by the respective Representatives of Russia, Austria, and Prussia. The note declared that "the protecting Powers call on the Government of Cracow to remove from its territory, within eight days, all the Polish fugitives now there;" and also "to send away, within the same term, the subjects of other Powers, residing in Cracow, who are pointed out by the protecting powers as dangerous." With respect to the fugitives, it added, that "such as can prove that one of the Governments is willing to receive them will be supplied with the necessary means of repairing to their destination, and that the others"—what did the House imagine?—will be sent—(transported would, perhaps, be the proper word for it)—to America," a compliment for which the Republicans of the new world would, no doubt, be duly thankful to the Emperor Nicholas. The President of Cracow was then apprised that "the three protecting Powers had thought proper to cause troops to advance to the frontier of the territory;" and his Excellency was told to apply to their residents in case he should want an armed force to carry their demands into execution. The note closed with the following sentences:

> "So long as the present state of things continues, every subject of the free city of Cracow who intends to pass the frontiers of one of the three neighbouring States cannot be admitted without a regular passport, signed by the respective residents. The three protecting powers flatter themselves that the required clearing of the territory of Cracow will, in consequence of the facilities offered to the Government of the republic, be effected without further difficulty. Should they, however, be disappointed on this subject, and should the period above fixed, pass over without the complete execution of the measures in question, the three Courts will feel themselves bound to effect, by their own means, what the Government of Cracow may have wanted the inclination or the power to carry into execution."

The next document to which he would invite the attention of the House was the Senate's answer to the note which he had just quoted. The Senate, of course, stated that, in compliance with the wishes of the protecting powers, it had issued a proclamation, ordering all Polish strangers, both of the ex-military and civil departments, who had contributed in any manner to the last Polish revolution, to submit within two days to the dispositions announced by the three residents. The Senate went on to say, that "the Government would omit no means in its power effectually to accomplish that supreme will;" and then to entreat the residents "to take into consideration the shortness of the period fixed for the evacuation of the territory," alleging that many individuals might not have had time to settle their affairs after a residence of five years in the town; and of those individuals it would appear that some had married into families of the place, and others had either acquired property, or were at the head of manufactories there. Notwithstanding, however, the compliance expressed in the note which he had here read with the demands of the three Powers, and the humble intreaty that some consideration would be afforded to those situated as described, no additional term had been granted; but on the eighth day the troops had advanced beyond the frontier, and had taken possession of the capital. The troops which had taken possession of the capital were Austrian, but they had been followed by two bodies, one of Prussian troops, and the other of Cossacks. The third document to which he would refer was the proclamation issued by the Austrian-general, Kaufmann, who commanded the occupying force, in the name of those protecting Powers, immediately on his arrival at Cracow, the 17th of February. The proclamation closed with these words:—

> "As soon as the measures which the care of the august protectors of the republic has caused to be adopted in its behalf shall have been executed—as soon as the town and territory of Cracow shall be freed from the dangerous men that have assembled in it, and tranquillity and order shall have been re-established—the present occupation will have attained its object, and the troops under my command shall leave the territory of the republic. The administrative and judicial authorities of the republic shall suffer no interruption in the exercise of their functions. It is, however, understood, that, in so much as relates to the measures necessary for the public security, and the expulsion from the territory of Cracow of the refugees that have intruded into it, they shall act under the military authority with which the high protecting powers have especially invested me during the present circumstances."

He would next refer to some circumstances which had occurred subsequent to the occupation of Cracow, which would be found to be somewhat at variance with the tone of the proclamation issued by General Kaufmann. Those circumstances were in substance as follows:—That the militia had been disarmed, with a view to its being disbanded;

that about 400 individuals — and the number was on the increase—had been given up to the Austrians; that securities for future good behaviour had been required of the Magistrates; that the President Wicloglowsky had resigned; that his place had been supplied, *ad interim*, by a grocer, who owed his elevation to the direct appointment of the Foreign Powers or their representatives. Now, the real position of Cracow as a free and independent state—an independence guaranteed by the great contracting powers of Europe—must not be lost sight of by the House. He need hardly remind hon. Gentlemen that this State was one of the smallest in Europe, with a population which did not exceed 120,000 or 130,000, and with a territory which was proportionably small; nor, need he remind them that it was not the smallness of territory that affected the question, which was one of principle. Cracow, in fact, owed its existence entirely to treaty. Surrounded as it was, and had been, by the three great military Powers of the North, it could not have been established at all in independence had not the European Powers concurred in the desire to preserve it as a vestige of the existence and constitution of ancient Poland, and thus to do all they could towards repairing what had been done. The House would better understand the political position of Cracow, and how the independence of the State was secured, if he were to refer to those parts of the Treaty of Vienna on which it depended. The right hon. Gentleman read, from the additional treaty relative to Cracow, concluded on the 21st of April, 1815:—

"Art. 1. The city of Cracow, and its territory, shall be considered in perpetuity as free, independent, and strictly neutral, under the protection of the three high contracting powers."

This he (Sir Stratford Canning,) read to show the extreme delicacy and caution which animated the sentiments of the contracting Powers at the time when they were still under the influence of those disastrous events that had given a lesson to Europe, which subsequent years of prosperity would seem to have thrown into the back ground. The 6th Article of the treaty was as follows:

"Art. 6. The three Courts bind themselves to respect, or cause to be respected, at all times, the neutrality of the free town of Cracow, and of its territory. No armed force, under any pretence whatsoever, is to be introduced there."

When he (Sir Stratford Canning) asked the question of the noble Lord opposite, a few days back, he had only quoted one part of this article; and he did so because, circumstanced as he then was, he had felt himself bound to trespass as shortly as possible on the House, and to state the points of his question in the fewest words, well knowing that every one would have an opportunity of referring to the article and seeing the remainder. He would now read the rest. It went on to say:—

"On the other hand it is understood and expressly stipulated that no asylum or protection shall be given in the free town of Cracow to any deserters or prosecuted individuals belonging to the countries of any one of the three powers; and that such individuals, on the application for their extradition, made by competent authorities, will be arrested without delay, and delivered under a strong escort to the guard appointed to receive them on the frontiers."

This was in all probability the passage on which the Northern Powers proposed to defend the step they had taken. But the treaty not only provided for the maintenance of the neutrality and external relations of Cracow; it also went on to provide for its internal government—indeed, the whole provision was made the subject of a separate treaty affixed to the general treaty, and which was the evidence that the independence of Cracow had been placed under the strongest guarantee that the morality and civilization of Europe could afford. The next article in the treaty began with these words:—

"The three Courts having approved of the Constitution by which the free town of Cracow and its territory is to be governed, and which is annexed as an integral part to the present articles, take that Constitution under their common guarantee."

In the same manner the treaty went on to show that the protection of the contracting powers at the Congress of Vienna was extended to the establishment of a liberal education for the inhabitants of Cracow, of an University—and he merely referred to these latter points to show with what an almost parental care they provided for the maintenance of the political independence of Cracow. Were he not anxious to avoid mixing up the present question with the more extended one of Poland, he would have referred to those parts of the treaty which showed the spirit in which it had been conducted, and the manner in which it had been intended to participate in the remains of national individuality which it was then desired to preserve for Poland. It had been found that, without endangering the peace of Europe, the kingdom of Poland could not be re-established, and therefore it was, that Cracow was rendered by the treaty of Vienna a sort of independent nation, and allowed to possess certain commercial advantages which had previously been engrossed by the country of which it had once formed a part. The independence of Cracow, then, was a matter of grave importance, and that fact was fully established by the circumstance of all the powers who were parties to the treaty of Vienna having entered into the more enlightened views which the Government of this country had taken upon the subject. By the treaty of Vienna provision was accordingly made for insuring to the inhabitants of Cracow all the commercial advantages resulting from the ancient partition of Poland, in 1772, and therefore it was, that he had felt it to be his duty to bring the subject under the consideration of the House, in the full persuasion that a case of suspicion had been made out which called for inquiry. It was perfectly true that Cracow was a small State, but it was equally certain that every power in Europe, especially Great Britain, should take a lively interest in that State. Now what was the position of Cracow? It was infinitely smaller on the map of Europe than an English county, and surrounded on all sides by the territories of the three great military Powers of the North. In the institutions of Cracow were to be found the germs of freedom and independence, while despotism reigned in the nations that surrounded it. It was consequently impossible to look at Cracow in contrast with the countries by which it was on all sides surrounded, without being struck with the difference which existed between free and despotic institutions. He had himself marked the difference; but then, as this country was a party to the Treaty of Vienna, it was bound to interfere under circumstances which were not only not common, but most extraordinary, so far as seeing that the provisions of that treaty were fully and fairly performed by the great Powers of the North. England had a right to demand that the Treaty of Vienna should not be violated, that the balance of power in Europe should be maintained; for although this country had risen over the strength of France, it was not impossible that the liberties of Europe might be threatened with danger from another quarter. This was an apprehension which had evidently rested on the minds of the different Governments of Europe, and the consequence was, that they had always regarded the proceedings of the great Northern Powers with minute attention. That being the case, it behoved the Government of this country not to lose sight of the principles on which Great Britain had ever acted, or to suffer her interests to be affected by an act of negligence. They should recollect, that sooner or later, this country might be brought into collision with Russia, and therefore it was important for them not to forget that a great deal depended on preserving the rights and independence of the minor States, even though their weight might be but trifling in the general scale of nations. The due preservation of the balance of power clearly should not be lost sight of, because they all were aware that every decree issued by Russia was to gain additional force. Although he said this, it was by no means his wish to speak disrespectfully of that Power; but he could not at the same time help asking what either Sweden or Denmark would say if the transactions at Cracow, small a state as it was, were to be allowed to pass unnoticed? By such a course, would they not be laying the foundation for fresh combinations among the Northern Powers? He said this in a spirit of peace. It was, however, only by attention that they would be able to despise those great Powers, and prevent them from trespassing on the rights of other nations. Whatever might be the consciousness which the Northern Powers possessed of their own strength, this country had nothing to fear from them; but still it was by sedulously preserving the barriers by which the balance of power was maintained—imperfect as no doubt they were—that the liberties of Europe could be upheld. The inhabitants of the north had ever manifested a desire to seek a more genial climate. Their attention had been in the early ages directed to what they considered "the promised land" in the south, and it was only natural to suppose, that the spirit by which the barbarians of former times were actuated still existed in the breasts of the inhabitants of the north. It was impossible that the man who was at the head of forty millions of people should not sympathise in the feelings of his subjects, and be anxious to fulfil their wishes in obtaining for them a more desirable position and a better climate. This single consideration rendered the question respecting the independence of Cracow an important one, especially as it was a place which had been snatched from the ruins of Poland, and was surrounded by despotic powers, whose views with regard to it might justify something like suspicion. Cracow had been placed on much the same footing in point of substance as Poland; and it was impossible for an Englishman, accustomed to witness free institutions in his own country, not to think that the subjects of the despotic powers of the north must naturally wish to have such institutions as existed in Cracow extended to them. This fact might induce the Governments of those Powers to form particular views with reference to this little State. While he stated the case against them, he deemed it only an act of justice to refer to the grounds on which the Northern Powers rested their defence in thus interfering with the rights and privileges of Cracow. By the general law of nations, he thought that there could be little doubt that if the State of Cracow had not permitted persons residing within it to engage in conspiracies against the neighbouring Powers such an interference on their part could not be justified. It was clear that these Powers had no right to take the step they had taken, unless for the prevention of danger to themselves; and it was equally certain that had the same course been adopted towards any other nation a war must inevitably have ensued. The principle, therefore, which applied to other nations should be extended to the case of Cracow. At all events, even if there had been grounds for apprehension on the part of the Northern Powers there was no occasion for the course which they had taken. They might have adopted a more gradual proceeding; but he hoped the noble Lord opposite had received such information as would enable him to give the House and the Country a satisfactory explanation on the subject. Now, from what he collected from the document to which he referred, and the ninth article of the treaty, he was satisfied that the three Northern Powers were not justified in the steps which they had taken, unless, indeed, it could be shewn, that there was something in the back ground of which the British parliament had not as yet heard. Under the Clause of the ninth article to which he referred, Cracow was bound to deliver up all deserters belonging to the other Powers; but the question was, could that stipulation be enforced, without the sanction of the other parties to the treaty, by a military force. The first article of the additional treaty, it appeared to him, guaranteed the freedom and independence of Cracow, and so did the second article, with the single exception to which he had alluded. It would seem to him, therefore, that the safety of this little State had been sufficiently provided for, because it was declared, "that no armed force should enter it on any pretence." There were reasons, however, why the freedom and independence enjoyed by this little State should not be agreeable to the Powers by which it was surrounded, because its institutions were so totally at variance with theirs. It was alleged that the coercion which had been resorted to was occasioned by the disorders which prevailed in Cracow. Such a charge they all knew could be easily made, to justify the proceedings of the three powers; but the point they had to consider was, whether or not the terms of the treaty had been violated, or the rights of nations invaded. With respect to the extent of the disturbances on which the interference of the three Powers was founded, he would read to the House an extract from a communication which he had received on the subject. It was as follows:—

"Cracow, Jan. 23, 1836.

"The *Cracow Gazette* declares that there is no truth in the Report given in some journals of disturbances having taken place at Cracow, which even required the interference of the military. It says, that on the 18th there was divine service in the cathedral in honour of the Saint's Day of the Emperor Nicholas, the august protector of our country, performed by the Rev. Mr. Weelvrynski, canon of the cathedral, in the presence of the authorities and of a great concourse of people. There was no tumult or disorder of any kind, nor was there any expression of disrespect to the Emperor—a thing which would not have been tolerated by the people of Cracow, who are too grateful to their august protector, and too full of respect for the law, to be guilty of such conduct. In the evening, the windows of a house were broken by a person, not a citizen of Cracow, who was arrested, and who will be duly punished for his offence."

It was not his intention to say, that the Powers got up the disturbances to serve their own purposes, but he did think a case of suspicion existed which called for inquiry. They could not possibly forget the sufferings and misfortunes of Poland for so many years. That kingdom, which once occupied so proud a position amongst the nations of Europe, had not only been deprived of its existence but even of its language. Its very tongue had been silenced; deprived of her ancient liberties, degraded and stripped of her rights, she reminded him of the mutilated body of the Trojan warrior—

"————————— lacerum crudeliter ora,
" Ora, manusque ambas populataque tempora raptis
"Auribus, et truncas, inhonesto vulnere nares."

He was anxious to put the House fully in possession of the injustice of the case. In the course of his reading he had recently met with a volume containing an account of the former interference of Russia with respect to Poland, and he wished to be allowed to refresh the memory of the House on this subject, for though it did not strictly bear upon the case of Cracow, yet he wished to remind them of the means used with respect to that country in former times for the purpose of illustrating the intentions of the three great Powers of the north with respect to Poland. The extracts he would read, would show that the motives alleged for interference in both cases were much the same. The first extract he would read was the "Manifesto of Russia, Austria, and Prussia, to the Court of Warsaw, 18th and 26th of September, 1772."
The right hon. Gentleman read as follows:

"Unhappily, in the midst of these promising appearances, the spirit of discord seized upon one part of the nation: citizen armed against citizen; the sons of faction seized the reins of authority; and laws, and order, and public safety, and justice, and police, and commerce, and agriculture, all are either gone to ruin, or stand on the brink of destruction."

"The connexions between nations, which border on each other, are so intimate that the subjects of the neighbouring powers have already felt the most disagreeable effects from these disorders. These powers are obliged, at a great expense, to take measures of precaution, in order to secure the tranquillity of their own frontiers."

"Their said Majesties have determined, without loss of time, and with one accord, to take the most effectual and the best combined measures in order to re-establish tranquillity and good order in Poland, to stop the present troubles, and to put the ancient Constitution of that kingdom, and the liberties of the people, on a sure and solid foundation."

Poland was then dismembered in the name of Order and Liberty just as Cracow was now occupied. The next document in succession was, "Declaration of the Russian Ambassador at Warsaw—Bulgakoff, May 18, 1792," it was as follows:—

"The Empress has ordered part of her troops to enter the territory of the Republic. They show themselves there as friends, cooperating in the re-establishment of the rights and prerogatives of the Republic."

Finally there appeared, as the consummation of this nefarious transaction, this Manifesto on the part of the Empress of Russia, relative to the affairs of Poland. It was dated, June 18, 1795.

"I, Timothy Tutolmein, Lieutenant-general &c., in executing the supreme will of my Most Gracious Sovereign, the Empress of all the Russias, make known to all whom it may concern, that Her Imperial Majesty, having repressed the troubles generally prevailing in the provinces occupied by her troops, means to incorporate with her own estates, for ever, the provinces adjoining to the governments committed to my care."

He hoped that there were no grounds at present to renew their suspicions; but these extracts which he referred to showed the intentions of those Powers with respect to Poland. He had no notion of referring to these circumstances further than to show the dispositions they discovered, and in order that the admonitions of history might not be lost with respect to the present interference of the three Northern Powers. Now, supposing that those three allied Powers had a right to demand that certain persons should be sent away, had they any right to go to the extent that they did? Four hundred persons had been sent out of Cracow into the Austrian territory, and given up. Many of these persons were husbands and fathers of families. Many of them had realised fortunes, and were the heads of large establishments, and were, consequently, persons who would have little interest in disturbing the tranquillity of the country. Was it to be supposed that all these were deserters, fugitives, disturbers of the public peace, and dangerous persons? A great many of them had married in Cracow. Even if they had shown a disposition to riot, was it to be credited that men connected with the place by such ties were unable to give security for their future good conduct? They did not demand the expulsion merely of persons of the description that was provided for in the article of the Treaty of Vienna, but they demanded the expulsion of persons whom they described as refractory subjects. The House must not think that, in considering this subject, they were discussing a question totally foreign to England, and only concerning a distant country, for amongst the other inhabitants of Cracow whose expulsion had been demanded on the ground of being refractory subjects, there might, by possibility, be some of our own countrymen. Some of these men were to be sent away to America; and it was impossible to resist the supposition that, amongst the persons so sent away, there might be some of our own countrymen who looked to their own Government for protection. That the Powers who were parties to the Treaty of Vienna had a right to demand the surrender of persons described in an article of that treaty he did not mean to deny; but that article did not justify the present proceedings at Cracow which were, he was fully convinced, a violation of that treaty. The occupation of Cracow by foreign troops, so far as the circumstances of the case were known, appeared contrary to the spirit and letter of the Treaty of Vienna, and bore the character of an infraction of that Treaty. If any circumstances were known to the Government which altered the character of those proceedings, he should be happy to hear them explained. He was at a loss to know why there should have been such celerity of execution, unless the whole plan had been predetermined and preconcerted. Had the three Powers any reason to believe that the persons who were demanded would not be given up? He knew, that so long ago as 1833 an engagement was entered into for the military occupation of Cracow. In this instance there was nothing to justify the haste with which this proceeding had been carried forward. There was no excessive danger to alarm. He had been unable to learn that any communication from these Powers had been made here or elsewhere upon the subject. He thought that this proceeding gave evidence of their intention to produce a systematic change in that country. The constitution and independence of Cracow had been placed under the especial protection of the Treaty of Vienna. By that treaty nearly all those places that we had conquered during the war were given up, for the sake of promoting the general tranquillity and preserving the balance of power in Europe. If this Government, having been a party to this treaty, had acted so, would it have been tolerated that such a step should have been taken without any communication having been made to the other Powers who were parties to this treaty? Under any circumstances the danger could not have been so pressing as not to have afforded sufficient time for communicating with the other Powers who were parties to the Treaty of Vienna. The right hon. Gentleman proceeded to contend that three great Powers could have nothing to apprehend from a small State, whose territory did not exceed 500 square miles, with a population of 130,000 persons. He thought it right that those Powers who had taken upon themselves to commit this infraction of the Treaty of Vienna, should be told that they could not do so without exciting the attention of the other Powers of Europe. Nothing was further from his intention than to take any course, with reference to this subject, calculated to embarrass his Majesty's Government. But he thought it of great importance that the attention of his Majesty's Government, and of that House, should be called to the question. The right hon. Gentleman concluded by stating, that he would now leave the question in the hands of his Majesty's Government. He hoped they would be able to give such an explanation as would be satisfactory to the House and to the country. He hoped that they would be able to say that these proceedings had been exaggerated. It was not his intention to conclude with any motion on the subject. He would content himself, for the present, with placing the question in the hands of his Majesty's Government, reserving to himself the right of hereafter putting his motion, should he find it necessary to do so.

Viscount *Palmerston* did not think his right hon. Friend required any apology for having introduced this subject to the notice of the House; it had already excited much public attention, and it was perfectly natural that the House of Commons should take it into their most anxious consideration. The state of Cracow had been created and established by a treaty to which England was a party; any apparent violation, therefore, of the independence of that state, or any apparent departure from the treaty by which it had been established, deserved, and necessarily called for, the attentive consideration of that House. Government, as yet, had not received any official communication from the three Powers, either as to the causes of the military occupation, or as to the fact of its having taken place; he was indebted for all he knew of the circumstances to our Ministers abroad, to whom he had written for information on the subject, and the notices which had appeared of the proceedings in the different journals of Europe. When, therefore, his right hon. Friend called on him to state the view which Government took of the question, according to the information which they at present possessed, he was sure the House would see, that standing there as a Minister of the Crown, under such circumstances, he must feel under considerable difficulties as to the extent of information or positive opinion which it was in his power to communicate. If he had been furnished officially with that statement which the three Powers chose to put forth, as to their motives for the course which had been adopted, he should have been enabled to submit the explanation thereby afforded to the House, and also to state the opinion which the English Government entertained as to the sufficiency or insufficiency of the case made out. It was quite true, as his right hon. Friend had stated, that the Treaty of Vienna stipulated that on no pretence whatever should foreign troops enter the state of Cracow. The treaty contained, undoubtedly, a reciprocal condition on the part of Cracow, that it should not harbour persons of whom a description was given in the treaty, and that Cracow should, on demand, give up those persons to either of the three Powers whose subjects they might happen to be. Now, it was on that article of the treaty that the residents, in their note to the President of the Senate of Cracow, founded their demand for the expulsion of the Polish refugees. Undoubtedly that appeared contrary to the letter of the treaty, for the residents did not require that the persons referred to should be given up to the Powers to which they might belong, but that they should be, within eight days, removed from the territory of Cracow. At the same time, if the statement were true which had been given out, not in the official note, but in other quarters, as a justification of this measure, it might be considered as falling perhaps within the spirit of the treaty. It was alleged, that a number of persons, natives of Poland, assembled in the state of Cracow, and, inspired by feelings, which, in their peculiar circumstances, were any thing but unnatural, had established a communication with the inhabitants of some of the Polish provinces of Russia and other powers, of a character seriously to threaten and disturb the tranquillity of neighbouring states. If a state were bound not to harbour persons who violated the laws of neighbouring states, *à fortiori* the obligation existed not to harbour persons who avail themselves of their asylum to foment political disturbances in other countries. But although the three Powers might have been justified in requiring the state of Cracow to call on such persons to depart, it did by no means follow that they were justified in going the length of military occupation in consequence of the temporary delay which might have preceded their departure. He was bound to say, that as yet no sufficient reason had been given either for the entrance of those troops, or the shortness of interval which had been allowed between the demand made and the entrance which had been effected. He should, therefore, say, although it might be difficult to deny the right of the three Powers, under the circumstances assumed, to require the removal from Cracow of persons who had been really engaged in the alleged correspondence, yet the demand made far exceeded any apparent ground of necessity; and that to require, in such sweeping terms, the expulsion of so many individuals, great numbers of whom were known to have settled in the place, contracted marriages, acquired property, and entered into the service of the state, was far beyond what could possibly have been necessary for the safety of the adjoining states. At the same time, it was only due to those Powers to say, that the first sweeping demand was afterwards considerably mitigated by a second communication to the Senate of Cracow. Under the Treaty of Vienna, he thought the three Powers might have had ground for requiring that certain persons, if they named them, and stated the grounds of their application, should be sent out of that state. But even if no treaty existed at all — if Cracow had stood on the ordinary international law of Europe, if one power could state on good grounds to another that, within its territory, persons were employed exciting disturbances among the inhabitants of its neighbour, it was the duty of the former, on the ground of good neighbourhood, to prevent an asylum being given to such disturbers of the peace. Still, he was far from going the length of saying that the refusal of Cracow to comply with such a request was or could be a sufficient justification for the violent measures which had been taken in order to carry the demand into execution. One thing, at all events, was quite clear—all friendly means should have been exhausted before such extreme measures had been resorted to. If such representations had failed, and if the three Powers could not obtain what they thought necessary for their own safety, there were other measures obviously applicable for the purpose of obtaining compliance much short of that violent military occupation which they carried into effect. He did not stand there to advocate the course which had been adopted; but he stated circumstances which, though they did not justify, might afford some excuse for the demand, if it had been made in a more limited form, and to a less extent. But under any circumstances, and seeing that Great Britain had been a party to the Treaty of Vienna, it was the duty of those Powers, when they made the demand, and before they had recourse to occupation, to have communicated to the Government of this country the grounds on which they thought themselves entitled to act, and the intentions they were about to put into execution. He would however acknowledge, that if the three Powers had determined to do that which was a measure of unnecessary violence, he was inclined to regard the circumstance of their not communicating it as an act of involuntary homage tacitly paid to the justice and plain-dealing of this country; for the three Powers well knew that if their intention had been communicated, the answer which would have been made would have had the effect of endeavouring to dissuade them from the measures they intended to carry into effect. He believed there was a convention made, not as his right hon. Friend supposed in 1833, but in the beginning of the present year, regulating the course which was to be pursued. With regard to the mode of executing it, however, after what had passed between Russia and Poland, he could not but regard the selection of Austrian rather than Russian troops, for the purpose of occupation, as a measure of good feeling and kindly discretion on the part of the three Powers. He had already stated, that no official communication had been made to this country; but, as soon as it was known that measures were in contemplation with regard to Cracow, he had felt it his duty to write to our Ministers abroad, in order to obtain information. It was only within a very few days that answers had been received, and therefore Government had not been able, up to the present moment, to take any step on the subject. Under these circumstances, he did not feel himself called on to say more at present; he did not complain of the subject being brought before the House; it was quite natural and proper for his right hon. Friend, who had acted so distinguished and successful a part in the diplomatic transactions of Europe, to take up so important a matter. He said important, for it was not by the extent of a country that they were to measure the importance of preserving its independence; the principle was the same in the case of the smallest as in that of the greatest Power, the same in the case of Cracow as it would be in that of Prussia. If the states of Europe were as wise as he believed them to be—if they were provident for the future—regardful of those principles on which their interests depended, they must feel, that it is only by respecting the independence of small Powers, the powerful could hope for their own permanent security; and the more they respected with regard to the smaller states, the engagements they had made, the treaties they had contracted, and the independence they themselves created, the more would they be entitled, if their own security were menaced, to call for the co-operation of those other states who were parties with them to that settlement in which they had so great an interest.

Sir *Harry Verney* said, that no circumstance had excited his commiseration so much as the fall of that noble people, who had made, he trusted, not their last struggle for their independence. He called on the Government to secure the friendship of those nations which surrounded Russia; he called on them to secure the interest of Turkey, Persia, and Circassia; he called on them to obtain permission of the Turkish Government to send a fleet to the Black Sea. Russia had acquired influence in all the nations surrounding her, and it was the duty of this country to seek to obtain the confidence of the Powers threatened with Russian aggression. He hoped there would be such an expression of feeling by the House that night, as would inform Russia that she must despair of obtaining the sympathy of any party.

Viscount *Sandon* ventured to hope, that, from the expression of feeling which had been made in that House, Russia would find that she could hope for no sympathy from either side of the House of Commons in respect to her aggressive policy. He cordially participated and concurred in almost everything which had been stated by his noble Friend opposite (Lord Palmerston). Perhaps, under the law of nations, strictly speaking, no Power or State had the right to harbour those persons who might fairly be considered parties who were likely to endanger the peace of the neighbouring countries; and so it would be in this case, if the three Powers could prove that the parties were dangerous to their peace. The noble Lord complained that in Cracow there was no distinctly avowed political agent or officer there, and expressed his belief, that if that Republic had not been left without an agent, this military occupation could not have taken place—an occupation which, he trusted, would not last long—and, further, that the nations of Europe would not recognize the principle upon which that occupation had been carried into effect.

Mr. *O'Connell* said the matter lay in the narrowest compass. The State of Cracow had not violated the treaty in any part; but the three protecting Powers—the three plundering Powers, as he should call them—had been guilty of the grossest, most undisguised, and unmitigated violations of treaty. In their note itself they did not pretend that this act came within the terms of the treaty, and yet they marched their troops into the neutral territory that ought to have been protected by the guarantee of France and England, and thereby committed what, on a small scale would have been a felony, and what in the circumstances amounted to land piracy. It was said, that Austrians being sent to occupy Cracow, instead of Russians, greatly mitigated the evil. It was a mitigation only of that kind which had been dealt out to the Spanish nobleman, who, being sentenced to be executed, pleaded the rights of nobility as an exemption from that punishment, and a silken rope was handed to him instead of a hempen halter. Would any one assert that the Queen of Spain would have a right of war against Great Britain, because there were Carlists in that House ready to make arrangements to support Don Carlos? Certainly not; and yet that was the sort of pretext on which these crowned robbers had marched their troops into the Republic of Cracow, in violation of its neutrality and independence. Their only plea was their will — their only justification was their strength. They seemed to have forgotten that we were parties to the Treaty of Vienna, and, in their forgetfulness, they treated not only this country, but France also, with the grossest contempt and contumely. It was a mistake to suppose that the people of England did not feel strongly on behalf of Poland. That feeling was working its way rapidly in every country in Europe, and these despots would soon be made to know what they did not appear to know at present—he meant the effect of their being so glaringly in the wrong in their oppression of Poland. The moral effect of their atrocious tyranny was working its way from town to town, from city to city, and would speedily teach Russia, that though she had arms of steel and a front of brass, her feet were of clay, and unable to support the cumbrous and unwieldy frame which she had placed upon them. With regard to Poland, the violation of the Treaty of Vienna was as glaring and flagrant a violation of good faith as had ever yet been recorded in the pages of history. Poland had been the general spoil of Europe since 1771; but the day of redress and retribution would come. The feeling in favour of the Poles had been checked by an erroneous opinion, that if Poland were restored the old system of villainage would again be established. This was quite a mistake. That system had been abolished since 1791, and had never been re-established, except in the portions appertaining to Russia. In 1817, the Code Napoleon had been introduced, and vassalage had not been re-established. It was high time for both the Legislature and the Ministry to assume a firm attitude, and speak with a loud and determined tone on the subject of Poland. Russia would not be at rest. With the loss of motion she would lose her momentum. She was a barbarous nation, made up of a half-civilized population, and demi-barbarised and courtly slaves, who bowed down at the beck of a despot. Ministers must now speak out, or they next would hear of the seizure of the Bosphorus and Constantinople. It was time to do justice—not only to Poland but to Sweden; and unless it were speedily accomplished, Europe must be plunged in war. It was time, too, to make inquiries after the Russian-Dutch loan. But how was the crime against the inhabitants of Cracow made out? If there were traitors in Russia corresponding with Cracow, why were they not tried and punished? No charge had been made, except that of the wolf against the lamb—the vulture against the chicken— and on such trumpery grounds, on a mere assertion, without the slightest proof, 400 persons had been sent from their homes, from their country, and from their families. Should such things be, and no indignant cry be raised against the monsters who caused them?

Sir *Robert Inglis* was understood to say that the power of public opinion would exercise its influence to check such proceedings. The wrong committed against Cracow had stricken terror into the northern States of Europe. One Sovereign, not of the highest class, and whose name he would not then mention, when informed of the circumstances, said, "They have begun with the free cities, and will go on to us." He did not agree that this country should follow the conduct of France with respect to Poland. If England interfered, she should interfere effectually, or not at all. The addresses got up in this country rather injured the Poles than served them, as they were calculated to raise delusive hopes. Such encouragement could be of no use unless they could come forward with a vote of 10,000,000*l.* or 20,000,000*l.*, to which he would give his hearty assent, to give effect to these resolutions.

Mr. *Hume* observed, that England was undoubtedly bound by treaties; but if any thing could show the absurdity of such treaties, it certainly was the mode in which the treaty to which reference had been made, was violated. Let them remember that the Treaty of Frankfort had been violated in the same gross manner. But the noble Lord would, it appeared, allow the Treaty of Vienna to be violated in the same manner that the Treaty of Frankfort had been. The noble Lord, however, was waiting for information. Of what use were the Ministers at Berlin and Vienna, if the moment they had heard of this transaction they had not apprised the noble Lord? The noble Lord had to send from this country for information. Why, he would ask, had they not a ministerial resident at Cracow? It seemed to him that our diplomatic establishments were utterly useless, and certainly little information was communicated by them. He hoped that the Commons of England would, when the documents were laid on the table, declare in the plainest manner what was the guilt of those who had violated treaties. But he was told the Commons could not do this without risking a war. Now he, for one, certainly did not wish to see the country plunged into war; he thought that the country had often been brought to the verge of ruin by engaging in war, in which its real interests were not concerned. They should, however, get rid of stipulations, if by them they could not secure the independence of the smaller states. Although Cracow might not be larger than the parish of Marylebone, still its independence had been secured by treaty. Now if they were by treaty bound to pay Russia, they should, before they allocated any such sum of money, see whether it could not be more properly given to the unfortunate individuals whose property was destroyed and liberty interfered with—and that too by a gross violation of a solemn treaty. Unless they did this, they would have to submit to still further indignities.

Lord *John Russell* was much more disposed to coincide in the opinion expressed by the hon. Baronet, the Member for the University of Oxford, than to agree in the sentiments of the hon. Member for Middlesex. It would, he considered, be very unwise in that House to come to a strong resolution unless it was prepared for worse. They had seen, for example, in a neighbouring country, a public Chamber giving expression to a strong opinion upon the nationality of Poland; but not following it up by any further proceedings. He must confess that the expression of an opinion, not followed up by any distinct acts, could neither increase the reputation of the Chamber from which it emanated, nor add to the dignity of the country. Therefore it was, that he could not agree in the views of the hon. Member for Middlesex. They could not with propriety come to a resolution strongly expressive of their indignation, unless they were prepared to take such a step as had been referred to by the gallant Admiral, the Member for Devonport, and have a very large force to support their resolution. With respect to the question itself, which had been put by the right hon. Gentleman, he thought it was exceedingly right that such a question should be brought before the House. He thought it very proper that the House should not allow the occurrence of the kind adverted to that evening to pass without notice. The right hon. Gentleman was therefore quite right in calling upon the Secretary for Foreign Affairs to give some explanation respecting it. That explanation had been given, and up to the present moment the noble Lord had, he considered, shown that the honour of England had not been committed in this transaction. As the right hon. Gentleman had not proposed any motion, and as there was nothing before the House but a motion of mere form, he wished that, as there was a very important question to come before the House, the subject would now be allowed to drop.

Lord *Dudley Stuart* could not permit the subject to be disposed of in this manner. He had heard with a great deal of pleasure a portion of what had fallen from his noble Friend, the Secretary for Foreign Affairs.

In a great part of what had fallen from his noble Friend he concurred, and he must say, that a portion of what his noble Friend had said did him honour; but he was bound to say, that there were other parts of the same speech from which he entirely disagreed, and that he could not but consider those parts did his noble Friend discredit. As to what had fallen from the noble Lord, the Secretary of State for the Home Department, he entirely dissented from it. He thought that speech was in direct contradiction to the sentiments expressed by the noble Lord sitting beside him, and which was likely to produce an impression directly the reverse of what was likely to arise from the language used by the Secretary for Foreign Affairs. According to the noble Lord, the Secretary for the Home Department, the three northern Courts had a right to commit a flagrant violation of a treaty—of a treaty to which England was a party, and in which the noble Lord, the Secretary for Foreign Affairs, told them that the honour of England was committed. Was it not then an affront upon them that there should be a violation of so important a treaty as that of Vienna—a treaty which had settled the affairs of all Europe, and on which the possessions of every state in the world were based? Was it nothing, he would ask, that such a treaty should be violated and infringed? Was it not incumbent upon them to resent such an insult? Or should they submit patiently to see that treaty trampled upon by arrogant and overbearing northern Courts? This was a question which involved the laws of nations; and what had been done he considered involved the honour and interests of England. How, he would ask, had it happened, when the three northern Powers were bound up in alliance with us, they did not go even through the mere courtesy of informing this country what they were going to do? Or how, he would ask, had it happened that no complaint had been made of this omission? Even if it could be clearly proved, which he denied, that these Powers had a right to make the demand which led to the occupation of Cracow, still the outrage and insult offered to England could not on that account be deemed the less. His noble Friend had been obliged to tell them he would not give an answer to his right hon. Friend, because he had not official information upon the subject: that reply carried additional condemnation on this Government. Why had they not official information from the resident at Cracow? It was his duty to transmit the intelligence of which they were now in want. He trusted that the speech of his noble Friend was a prelude to an alteration in his policy—that it indicated a serious intention thenceforward to prevent a recurrence of events such as those now referred to. He trusted that, with regard to Cracow, the Government would not remonstrate in the same feeble and unworthy manner which it had done with respect to Poland. He could not help observing upon the feeble and vacillating course pursued by the Government in its foreign policy. He was not insensible to its merits in other respects. He applauded the members of the Government for what they had done for this country; he supported, and should continue to support them, but that should not prevent his speaking out boldly, manfully, and plainly, nor from reprobating their conduct upon those points where he considered they deserved reprobation. He rejoiced that the Government were becoming stronger every day; the strength which the Ministry derived from the country, and the favour with which they were regarded, would induce them, he hoped, to satisfy the people, not only in their domestic policy, but also as regarded their foreign policy; a subject which he regarded as not less important.

The Order of the Day was then read, and the House resolved itself into a Committee on the Bill for

MUNICIPAL REFORM—(IRELAND.)] On Clause 46, providing that persons offending under the case and discovering others to have offended within a twelvemonth, to be discharged from all penalties,

Mr. *George F. Young* could not avoid thinking that this clause was totally inconsistent with propriety. He could perfectly understand why a person guilty of an offence should be discharged from the penalties thereby incurred, on becoming king's evidence—but when the particular privilege of the franchise was to be conferred on an individual on the supposition, of course, that he was duly qualified for the exercise of that franchise—upon what principle was it, he would ask, that if that individual was known to have offended in any way, he was deprived of all right to such franchise, but, that should he give evidence of another person having committed an offence, he was not only, in consequence thereof, discharged from all penalties imposed by his own offence, but actually had restored to him the exercise of his franchise? The whole foundation of the argument in favour of it was merely this,—that a person having disqualified himself, and having become unfit for the exercise of that privilege, was, on convicting another, to have entirely restored to him that privilege. [The *Attorney General:* Such is the law in England.] It might be a very convenient argument to say that it was a previous enactment, they had therefore adopted it; but he submitted that what had been stated by the Attorney-General was no answer to his objection. Whether the principle were sanctioned by custom or precedent, it appeared in his (Mr. Young's) opinion to be one of the most injurious provisions that could be made for the morals of the people.

Mr. *O'Connell* observed that this provision was taken from the English Act. One man escaped punishment when he gave evidence against another, and upon the same principle was this provision framed.

Clause to stand part of the Bill.

On Clause 48,

Mr. *Shaw* said, that the Bill of last year made the election by seniority in case of the absence of the mayor, whereas this clause in that case added one more to the innumerable elections that were to be held under the Bill.

Sir *Robert Peel* objected to the clause altogether. Mayors of towns elected by popular suffrage, should not be justices of peace. All that applied to corporate sheriffs would apply also to corporate justices. The mayor as a justice was entirely independent of the Lord-Chancellor, and could not be removed in a summary manner, as a justice of the peace might be. In Ireland it was was found necessary to act upon a different rule with regard to county Magistrates from that pursued in England. There was a summary power in Ireland to remove Magistrates. In England the Lord-Chancellor rarely removed a Magistrate, unless he was convicted of some offence; but in Ireland the practice was, without waiting for any conviction—upon, for instance, the ground of partiality or general unfitness to do so. Complaints were made on this subject by General Burke and Mr. Barrington in their evidence before the Committee in 1825, upon the express grounds that town Magistrates were not, as county Magistrates were, subject to the direct control of the Lord Chancellor. These witnesses were asked, had not the King's Bench authority to act in reference to this subject—and their reply was, that although the King's Bench could interfere, yet that there would be so much expense and delay attending any proceedings in that court that the remedy would be as bad as the disease. He must, therefore, contend, that inasmuch as these elections were to be made by the exercise of popular suffrage, instead of by self-election, they derived from it no new security with respect to qualification, or for having an impartial or pure administration of justice. When the English Bill was brought forward the noble Lord opposite (Lord J. Russell) said, it was his wish to separate the executive from the judicial power, and the civic functions of corporate officers from those of a judicial nature. He (Sir R. Peel) knew not what object was gained in this respect. In case of a breach of the bye-laws of the Corporation, the justice, he himself being a party to them, and to which he was indebted for his office of mayor, was the person to sit in judgment. By such a provision the chances of a perfectly impartial administration were greatly diminished. He therefore opposed the clause altogether, and distinctly declared it to be his decided conviction that the mayor of a town in Ireland should not be a justice of the peace.

Lord *Morpeth* said, that as the mayor was only elected for a year, he possessed very little power to do mischief.

Sir *Robert Peel* said, that the defence set up by the noble Lord was a most extraordinary one. His defence was, that the mayor being elected every year, his power of mischief would be so small, no apprehension need exist upon the subject. The noble Lord's defence reminded him of the defence set up by a woman who was accused of having had an illegitimate child. It is true, said she, I have had a child, but then it was a very small one.

Mr. *Roebuck* defended the clause, and contended that the country never could expect to have good judges until they should be elected by the people and made responsible to them.

Mr. *O'Connell* begged to caution the gentlemen opposite against sneering at judges who had been elected, inasmuch as an elected judge (Mr. Shaw) was at that moment sitting next to the right hon. Member for Tamworth. He would beg leave to remind hon. Members that by the common law all judges were elective, and no Act of Parliament was ever passed taking away that common law right. As to the King's Bench removing Magistrates, they certainly had the power, but very rarely exercised it. The return to the House of the number of Magistrates against whom informations were granted by the King's Bench in England, for several years back was "*nil*" In Ireland he only recollected three. He, therefore, did not rely upon the interference of that court to keep the Magistrates pure.

Mr. *Shaw* said, the hon. and learned Gentleman (Mr. O'Connell) might spare his sympathy. It was true he had been elected to his office by a popular assembly—but he had, notwithstanding, never concealed his opinion even from the body who had elected him —that on principle a popular assembly should not have the election of a judicial officer. The argument of the hon. and learned Member for Bath (Mr. Roebuck) had, at least, the merit of consistency—for he contended that all the judges of the land should be elective, and hold their offices at the pleasure of the popular voice—but that was going rather farther than he apprehended his Majesty's Ministers were yet prepared to go. It was their inconsistency which he attacked—they had adopted a different principle in all their legislation for Ireland from that of this Bill. By their present Constabulary Bill the Lord Lieutenant might appoint a stipendiary Magistrate to every one of the many boroughs in question. This clause, taken with the 83d, 84th, and 85th, would establish a complete system of village tyranny in Ireland, for the town-council, which, if ever established, would be in the hands of a dominant party—would annually have the election of this mayor, and the power of making bye-laws which he was to execute. These bye-laws were to create offences and impose penalties; the penalties to be recoverable in a summary way before the mayor holding office at the will and pleasure of the town-council, and by the 85th clause, all the fines arising out of these convictions, were to be carried to the borough fund.

Mr. *George F. Young* disagreed from the doctrine laid down by the Member for Bath, that all the Magistrates and Judges should be elected. He would much prefer that the justices should be appointed by the Government, as he was confident justices so appointed would be much less likely to be swayed by party prejudices than if they owed their election to the popular voice.

Lord *John Russell* supported the clause, and contended, that when the English Bill was going through the House, no objection was made to the election of justices.

Mr. *Goulburn* said, that the whole foundation of the arguments on his (Mr. Goulburn's) side of the House was, that a great difference existed between the state of society in England and Ireland. Two parties contending for power unfortunately divided that country—municipal power was at present exclusively vested in one, and this Bill proposed to transfer it to the other.

Sir *Robert Peel* agreed that in matters of legislation the majority must govern the minority, but he altogether protested against its being applied to the administration of justice. It was the duty of the House to insure as much confidence in the pure administration of justice in Ireland as they could possibly inspire, and he contended that that could best be achieved by vesting the appointment of the justices in the hands of the Crown. The hon. Member for Bath said that the highest judical offices ought to be elective, but that was not the principle of the Government, nor the principle of the Bill. By this Bill the Recorder was to be appointed by the Crown, and the principle if it were good as regarded the Recorder, why should it not hold good with respect to justices?

Mr. *O'Loghlen* could not help thinking that the powers to be conferred on the mayor, as a justice, were supposed to be much more extensive than the clause directed. The mayor would be merely empowered to act with another justice, on a summons issued under the bye-laws; but from their decision on such a matter there was an appeal in the larger towns to the Recorder, who had jurisdiction over almost all questions of a civil or criminal nature. In the smaller towns the justices of the county had a concurrent jurisdiction with the mayor; and from their decision there was an appeal to the assistant barrister.

Mr. *William Roche* supported the clause, and said, that even under the bad system at present existing in Ireland, he had often seen Magistrates act together without any bias of political or religious feeling.

Mr. *Finch* opposed the clause, and said, that the Attorney-General for Ireland defended it, not so much because it was right in itself, as because the power possessed by the mayor was of a very limited nature; but if this power was likely to be used by a party man, and for party purposes, he must consider the clause as highly objectionable, and he should, therefore, oppose it.

Lord *John Russell* said, that the whole principle had been discussed on moving the instruction to the Committee; and the House having decided that the same principle should be extended to Ireland as that upon which the English Bill was based, it was now quite unnecessary to discuss it.

The Clause was agreed to.

Clause 49—Power in Council to appoint town-clerks, &c.

Mr. *Shaw* said, that this clause contemplated a very material change in the office of town-clerk, inasmuch as those officers now held independent offices for their lives; whereas, this clause made them removable at the pleasure of the new town-council; and, by referring to the 115th clause, it would be seen that most important functions would be conferred upon them in respect to the nomination of juries, while they would hold their offices at the mere will and pleasure of probably a dominant majority. Then, as regarded compensation provided by the 60th clause, great injustice would be done to the existing town-clerk, who held an independent office for life, and for which he might be deprived of compensation by what was then termed a re-appointment to an office of a very different nature—namely, an annual office, from which he was removable at the pleasure of the town-council.

Clause agreed to.

On Clause 53—giving the appointment of sheriffs to the town-council.

Mr. *O'Loghlen* said, that after the intimation given by the noble Lord, the Secretary for Ireland, on a former evening, he now rose to propose an alteration in the clause as originally framed, and intimated his intention of giving up the appointment of sheriffs, and vesting it in the Crown. At the same time, he must confess that he thought it of not much importance, inasmuch as the Committee were aware that by what were called the new rules of Charles 2nd., the Lord-Lieutenant and Council had the power of rejecting the persons elected by the Corporation. The sheriffs by "the rules" were not allowed to serve if disapproved of by the Lord-Lieutenant and Council—and such power of rejection virtually vested in the Lord-Lieutenant the appointment to the office. There was only one difficulty, arising out of the power of the Corporation to re-elect the same person, and that difficulty was got rid of by the 54th clause of the Bill. He considered that the Bill as it stood would have given the appointment to the Lord-Lieutenant, but as a difference of opinion appeared to exist upon it, he would not oppose the introduction of words placing the appointment in the hands of the Crown, and taking it away altogether from the town-council.

Mr. *Shaw* would not dwell upon the clause, as the Government had yielded the appointment of sheriffs by the town-council, because the principle was untenable. But he must dissent from the doctrine of the right hon. Gentleman (Mr. O'Loghlen) that the appointment was before virtually in the Lord-Lieutenant, from the power given to him of approbation or rejection, by the "new rules" of Charles 2nd. The truth was, that had been considered a mere form; and the Lord-Lieutenant and Privy Council had, he believed, never been known to exercise it in the rejection of a corporate officer, duly chosen by the Corporation, in whom the election was vested, until the extraordinary and capricious use made of that power by Lord Mulgrave, in the case of the Corporation of Cork.

Mr. *O'Loghlen* was surprised that the right hon. Gentleman, the Recorder of Dublin, forgot the famous case of Alderman James, where three times, successively, the Lord-Lieutenant and Privy Council had rejected the person chosen by the Corporation of Dublin.

Mr. *O'Connell* protested against the proposed alteration, and said it was quite astonishing that the hon. and learned Gentleman, the Recorder, should be so ignorant of the history of the Corporation of Dublin. Was it possible he should never have heard of Mr. Curran's celebrated speech on the occasion of Alderman James's rejection—or, having heard, could he have forgotten it? At all events, he would venture to assert, that to his dying hour, Lord Clare never forgot that memorable speech; and, above all, he would ask, could the right hon. Gentleman have forgotten Lord Clare's speech in the House of Lords upon the same subject? The new rules decidedly gave a negative to the Lord-Lieutenant and Council, and that veto was exercised in the case of Alderman James. The "new rules" were established for the purpose of excluding Dissenters from corporate offices. Those Dissenters were, in most instances, descendants of Cromwellians, and, therefore, found little favour in the eyes of the minions of Charles 2nd. He regretted exceedingly that Government should have made he concession. The clause as it stood was a good one; and no man could possibly be a sheriff, under the Bill, who was not actually approved of by the Lord-Lieutenant. The Corporation had merely the power to name the officers, but the Government must approve. The Bill also precluded the Corporation from sending the same person back a second time, and, therefore, the Government possessed a veto upon the appointment, which might be looked upon as next to a direct nomination, qualified, however, and, as he thought, wisely, by popular election. He would not, under the circumstances, divide the House upon the subject. He yielded the appointment directly to the Crown; and although he thought it unwise, he should content himself with protesting against the change.

Mr. *Sheil* said, it must be admitted the concession was a most important one, and one that he trusted would be felt, and have a proper influence, as well amongst hon. Members opposite, as in another place. In Ireland, the Crown practically exercised power in the administration of justice, by striking out the names of all persons obnoxious to the Government who may happen to be called upon to serve as jurors. After the great sacrifice which Government had just made, he did not see how hon. Members at the other side could further continue their opposition.

The *Attorney-General* said, that the learned Member for Tipperary had referred to what had been the practice in Ireland, but which was so no longer. Since his learned Friend (Mr. O'Loghlen) came into office, the practice of putting jurors aside had been entirely abandoned, and during the late assizes the best results had followed.

Sir *Robert Peel* admitted that the alteration proposed by the Attorney-General for Ireland was a most important one; but he repudiated the idea of its being effected by way of compromise. It was not a concession to his (Sir Robert Peel's) side of the House; it was a concession to justice: and he gave his Majesty's Ministers credit for the manliness and fairness of the mode in which they avowed their change of opinion.

Mr. *Shaw* said, that he hoped, after the confident statement of the Attorney-General for Ireland, and the hon. and learned Member for Dublin (Mr. O'Connell), that he, (Mr. Shaw) had been mistaken or ignorant with respect to the case of Alderman James, the Committee would allow him to prove from the Report of the Corporation Commissioners, that his (Mr. Shaw's) view of the case was perfectly correct, and that the two hon. Gentlemen opposite were the party in error. The case was this—in the year 1790, the two branches of the Corporation, the aldermen and the commons, instead of agreeing in the election of a Lord Mayor, (which alone could make a valid election) differed and nominated different persons. The Board of Aldermen elected alderman James, and the commons, Alderman Harrisson, and each made a separate return to the Lord Lieutenant and Privy Council. The Lord Lieutenant and Privy Council sent both parties to a new election, when the Lord Mayor and Aldermen again returned Alderman James, and the commons, Alderman Harrisson. The Lord Lieutenant and Privy Council sent them back a second and a third time, but the result was the same, and the corporation, for the third time, made the double return of both Aldermen James and Harrison. The question on these double returns was then argued at great length before the Privy Council, and the Privy Council, instead of rejecting, approved of Alderman James—and Lord Clare's speech, to which the hon. Member, (Mr. O'Connell) had alluded, fully explained the ground of the decision, and disproved the assertion of the hon. Gentleman. The Report of the Commissioners on the city of Dublin, page 11, stated, in reference to the case in question, "Lord Clare, in a speech afterwards made by him in the House of Lords, declared that when double returns had been made, it had been always considered as almost matter of course to approve of one of the parties returned, and that by this means the question was put into a situation of being tried at Bar, and that the decision of the Lord Lieutenant and Council was of no authority whatever. If Alderman James's election was illegal, that decision did not affect to legalize it, but merely put it in course of trial before the proper tribunal." He would ask whether he was right in denying, or the learned Gentleman opposite in asserting, that the case of Alderman James was an instance of a due election of the Corporation of Dublin being overruled by the rejection of the individual they had regularly chosen by the Lord Lieutenant and Privy Council under the "new rules?"

Clause agreed to.

On Clause 60—Officers to receive compensation on removal, being read,

Mr. *Roebuck* objected to the clause altogether. Was it to be endured that, because a man enjoyed a lucrative office for twenty years, and did little or nothing, he was to receive compensation for it for the rest of his life? He thought the House might leave the question of compensation to the town-council; and if none were given by that body they might rest assured none was deserved.

Mr. *Lefroy* proposed an amendment to this clause, ensuring compensation to certain persons holding offices under charter in the city of Cork.

Mr. *Shaw* thought the words of this compensation clause obscure. It did not sufficiently provide for the compensation of officers, who, though they held their offices in form, from year to year, yet virtually held them for their lives, and had many of them abandoned other profitable pursuits in order to accept them. Then, as to the Lord Mayor of Dublin, it did not provide compensation for the loss he would sustain by not having the profits of the Court of Conscience the year after his mayoralty, as now secured to him by the Act of 33rd of George 3rd., ch. 16; also as to the aldermen of Dublin, who not only were to lose their offices and stations, but the Corporation Commissioners had reported that each of them had been 600*l.* out of pocket by election to the office. He (Mr. Shaw) considered the case against the Dublin aldermen as one of great hardship and injustice.

Mr. *Lefroy* contended that there were six aldermen of the wards in Cork who, as Magistrates, were entitled to preside in the Court of Conscience in that city. They were entitled to receive fees—they had a vested right in these offices for life, and were therefore entitled to compensation.

Colonel *Perceval* called the atention of the Committee to the monstrous injustice that would be inflicted upon the Lord Mayor of Dublin if no compensation were provided for him. The Lord Mayor of Dublin was entitled to act as president of the Court of Conscience the year after he filled the office of Lord Mayor. From this office he derived a sum of about 1,500*l.*, and would it be contended, that in consequence of the abrupt termination of a system like that which at present existed, he was to be deprived of compensation for the loss which must arise to him from the passing of the present Bill? The present Lord Mayor of Dublin was an industrious and most respectable citizen, who had reached the distinguished situation which he at present filled with the respect and esteem of all parties [*hear*]. The Lord Mayor of Dublin was put to great expense in maintaining the dignity of his office, and he mainly depended upon the emoluments arising from the Court of Conscience in the succeeding year to indemnify him for his losses during the year of his mayoralty. It must be, therefore, cruelly unjust to deprive him of compensation.

Mr. *O'Loghlen* said, that the Court of Conscience was a civil court, and it appeared to him that compensation was promised in the terms of the clause for such a case.

Mr. *O'Connell*—It is quite out of the question to give this man compensation. He is, forsooth, president of the Court of Conscience, and therefore must get compensation. It is called the Court of Conscience because conscience never enters it. At all events the Bill does not do away with the Court, and therefore he has no claim for compensation. With respect to Mr. Morrisson, he was a very good innkeeper, but totally unfit to be elected Lord Mayor of Dublin.

Colonel *Perceval*—I cannot hear the observations which have just fallen from the learned Member without telling him that the present Lord Mayor of Dublin is respected by every honourable man in society whose respect is worth having. The Lord Mayor has raised himself to the station which he at present fills by his honest industry, and never was accused of living upon money wrung from the most wretched peasantry in the world. This, at all events, was the first time that ever the breath of slander or calumny was vented against him. I appeal to the hon. Members at both sides of the House, whether or no I have exaggerated in the slightest degree when I state that the present Lord Mayor of Dublin possesses the universal esteem of all those who have marked his honourable career through life. I should be at a loss to discover why it is that the Lord Mayor of Dublin should be subjected to the attacks of the learned Member, were it not that he had once lauded him as his friend. I remember myself, when the present Lord Mayor was the subject of the learned Gentleman's panegyric, and I myself, when unknown to the learned Member, was present when he lavished the most fulsome praises upon him. It was perfectly true that Alderman Morrisson was once in an humble station of life, and it is equally true that he once kept an hotel; but was that a reason why he should have been spoken of in the taunting and disparaging manner in which the learned Member had indulged.

I have known the present Lord Mayor since my childhood, and an honester and a purer mind never was possessed by any man.

Lord *Morpeth* bore his testimony in favour of the respectability of the Lord Mayor of Dublin; but he begged to remind the House, the question before the House was one of recompense for loss of emolument.

Mr. *Shaw* denied, that any provision was made by the Bill sufficient to compensate the Lord Mayor of Dublin in respect of the Court of Conscience, as the Bill provided that the Mayor was to preside in that Court, and not the Mayor of the year preceding. He could not but say a word in behalf of the truly estimable individual who now held that office, in reply to the unwarrantable attack made against him by the hon. Member (Mr. O'Connell). He (Mr. Shaw) could suggest an additional reason to those urged by his hon. and gallant Friend (Colonel Perceval), for the attack made upon the Lord Mayor of Dublin by the hon. and learned Gentleman (Mr. O'Connell.) It was, that the Lord Mayor of Dublin had been considered as of liberal opinions, and friendly to the cause of the Roman Catholics. It was true that he had kept an hotel in the city of Dublin, but was that any reproach to him? Alderman Morrisson had now retired from business, having raised himself by his talents and industry to the highest office in his native city, and having arrived at old age with the good will and universal esteem and respect of every class and denomination of his fellow citizens.

Clause agreed to.

Clauses up to 82 agreed to.

House resumed; Committee to sit again.

HOUSE OF LORDS,

Monday, March 21, 1836.

MINUTES.] Petitions presented. By the Duke of WELLINGTON, Lords STRAFFORD and WHARNCLIFFE, and Viscount STRANGFORD, from several Places,—against Parts of the Ecclesiastical Courts' Bill.—By Lord DUNCANNON, from the City of London, against Flogging in the Army and Navy.—By Lord WHARNCLIFFE, from the Medical Practitioners, for Remuneration for their Attendance at Coroner's Inquests; from Bridlington, for the Better Observance of the Sabbath.

HOUSE OF COMMONS,

Monday, March 21, 1836.

MINUTES.] Bills. Read a second time; Mutiny; Marine Mutiny.

Petitions presented. By Sir GEORGE STRICKLAND, from Doncaster, against a Clause in the English Commutation of Tithes' Bill.—By the ATTORNEY-GENERAL, from Edinburgh, for Equalizing the Post-Horse Duty.—By Mr. WAKLEY, from Dorking, for Remuneration to Medical Men for attending Coroner's Inquests.—By Sir GEORGE STRICKLAND, from Walton, for the Repeal of the Soap Duties.—By Mr. HUME, from Londonderry, against any Grant for Building Barracks there; from Hitchin, for making Landlords liable for the payment of Poor-Rates instead of the Tenants.—By Mr. WILKS, from the Union of Royston, for Extending the time for the Repayment of Sums borrowed by Parishes under the Poor-Law Act.—By Sir WILLIAM MOLESWORTH, from a Number of Places in Cornwall, against the Tithe on Fish caught in the Sea.—By Mr. HUME, from Newtown, Limavacly, for Amending the Laws relating to Forgery; from Chatham, against the Union of Church and State; from Glasgow, for Releasing immediately all Persons Confined for selling Unstamped Publications.—By Mr. WILKS, from Leicester, for perfect Religious Liberty.—By Mr. CURTEIS, and several other MEMBERS, from Grinstead, Wareham, and other Places,—for Relief to the Dissenters; also against the Additional Duty on Spirit Licences.—By Colonel GORE LANGTON, Sir G. STRICKLAND, Messrs. HUME and WILKS, and several other HON. MEMBERS,—for the Repeal of the Duty on Newspaper Stamps.—By Colonel GORE LANGTON, from Persons at South Bonham and Mills, against having been Disfranchised at the last Revision of Voters for the County of Somerset.

MUNICIPAL CORPORATIONS' ACT.] The House went into a Committee on the Municipal Corporations Act Amendment Bill.

On Clause 6, (in such cases where the council of a city or borough had not elected a mayor, that the electors in general should be empowered to proceed to the election of that officer)—

Sir *Edward Knatchbull* proposed, as an amendment, that in every borough in which the mayor shall not have been elected before the passing of the Act, the council shall, on the 21st day after passing of this Act, proceed to elect a mayor; and in case of an equality of votes, in any election of mayor, the Alderman who shall have been elected by the greatest number of votes, shall have a second or casting vote.

The *Attorney-General* objected to the amendment, on the ground that the constituency of a place had not in contemplation, when they voted for a particular councillor, the intrusting him with such power. The clause, as it stood in the Bill, would be only applicable to the boroughs of Newport and Rochester.

The Committee divided on the clause. Ayes 111; Noes 42; Majority 69.

Clause agreed to.

Bill went through the Committee, and the House resumed.

CONSTABULARY (IRELAND).] The House resolved itself into a Committee on the Constabulary (Ireland) Bill.

On Clause 1,

Mr. *French* wished to have the words, exempting the expense of removing transported felons from the provisions of the 55th of Geo: 3rd., which it was proposed to repeal, omitted. It was an expense he did not consider the counties were fairly entitled to and one which he felt ought not to be retained. It was comparatively of recent date in Ireland; one of those numerous compulsory levies by which the grand jury rates had been swelled, and for which so many charges of extravagant expenditure had been made against the gentry of that country. Up to 1815, the charge for removing convicted felons from the gaols to the seaports for transportation had been borne by the general government in that year, chiefly on the plea of assimilating the practice in both countries. This expense was thrown exclusively on the Irish counties. This reason, however, could not now be urged; it no longer existed. Last year the English counties had been relieved from this burden, and he trusted a similar course would be pursued towards Ireland. Let the expenses, up to conviction, be borne by counties; after conviction, by the nation at large, although the expenses of removal fell heavily on the counties distant from the place of embarkation. It had reached as high as 12*l.* a man in the county he had the honour to represent, and in the adjoining county. It could be carried into effect at a trifling, if any expense, to Government, with so large a force at their disposal in Ireland. Twice a year, after each assizes, an arrangement might be made, by which the convicts from the different gaols could be transmitted across the island under a military guard. He threw out this suggestion for the consideration of his Majesty's Government.

The *Chancellor of the Exchequer* admitted the force of what fell from the hon. Member for Roscommon, and assured him it should be attended to. Under these circumstances, he trusted the amendment would not be pressed.

Clause agreed to.

On Clause 2,

Mr. *Hume* objected to the principle of issuing money for such purposes out of the consolidated fund. He conceived there was no control over the expenditure, and he should next year move that the estimates for the police be laid before the House, and a vote taken for them as was done with the army and navy.

Mr. *W. S. O'Brien* agreed with everything that fell from the hon. Member for Middlesex, but if his principle were good for anything next year he ought to apply it at present. He could not help calling the attention of the House to the great increase of expenditure created by the Bill over that of last year. The Inspector-General, under this Bill, was to have 1,500*l.* a-year, whereas last year it was only 1,000*l.* He could only account for this from the fact of the appointment being about to be conferred on an Englishman. Government seemed systematically to exclude Irishmen from every appointment. He instanced the Secretary for Ireland—the Under-Secretary—the Archbishop of Dublin—the Chairman of the Board of Works, and now the Chief of Police.

Viscount *Morpeth* thought there was no reason for national jealousy on such a subject, as the heads of police in London were Irishmen.

Mr. *Goulburn* agreed with the hon. Member for Limerick that the expense would be considerably increased, and called upon the noble Lord to give some estimate of what the expense would be under this Bill.

Viscount *Morpeth* said, that the expense would not be increased by the Bill.

Clause agreed to.

On Clause 9,

Mr. *French* considered this as the most objectionable clause in the Bill. Not only was the constitutional mode of appointing the constables departed from, but an unlimited power of augmentation, and, as far as the counties were concerned, an unlimited power of taxation was placed in the hands of the Lord-lieutenant. Hitherto the exercise of this power had been limited; it depended on a requisition signed by a certain number of Magistrates—the augmented force was paid for by the inhabitants of the disturbed district, and was reduced when tranquillity was restored; but by this Bill, as it at present stood, those parts of the country where no disturbance had taken place were to be saddled with a portion of the expense, and the augmented force was to remain a permanent charge on the country. To remedy his he proposed an amendment clause.

Viscount *Morpeth* was perfectly willing to adopt that portion of the amendment of his hon. Friend which related to the apportioning the expense of any extra force on the districts for which it was required, and would be prepared to add words to that effect to the 22d Clause, which was the one settling how the expenses of this body were to be defrayed; but he could not agree to that part of the amendment which limited the power of the Lord Lieutenant to act, save authorized by a requisition signed by a certain number of Magistrates. He felt it was contrary to the principle of this measure, that it would have the effect of creating a divided responsibility between the Lord Lieutenant and Magistrates, which was by no means desirable.

Clause agreed to.

Remainder of the Clauses agreed to, and the House resumed.

The House resolved itself into a Committee of supply.

NAVY ESTIMATES.] Mr. *Charles Wood* moved, "That a sum not exceeding 26,370*l.* be granted to his Majesty for defraying the salaries and other expenses of the officers of the scientific departments of the navy.

Mr. *Hume* wished to know what the scientific men did, and he should like to see a detached Report of the manner in which this sum was to be expended.

Mr. *Charles Wood:* there had been excellent charts made of various parts of the coast of England and America, from actual surveys; a long series also of observations on the tides had been instituted, the Observatory at Greenwich was included, and many improvements which had been made in navigation; experiments also had been made to secure timber from the dry rot, and various other objects of importance were paid for by this vote though it was impracticable to lay a detailed account of them before the House.

Vote agreed to.

On the question that 813,991*l.* be voted to defray the charges of half-pay to officers of the navy,

Mr. *Charles Wood* explained that a portion of this sum was allotted for the half-pay of pursers, but the sum proposed to give them would be saved by an improved method of victualling the navy.

Sir *Edward Codrington* thought it was a great injustice to put officers of the rank of purser, who sat at the table of the admiral, on the half-pay of only 3*s.* a-day. The pursers of the navy were ill-requited for their services. Formerly, they had ships to live in, with provisions for themselves and a servant, instead of being obliged to procure board and lodging. Formerly, pursers of twenty-six years' servitude got 5*s.* a-day; it now requires thirty-five years' servitude to entitle a purser to that sum. In 1814, a purser of ten years' servitude received 4*s.* now it could not be obtained under twenty-six years; and every day augmented the difference, so that those now on the four-shilling list must have served forty years to obtain 5*s.* When, in order to extend to this class some show of favour, the pensions to their widows were increased 10*l.*; a direct refusal was given to extend it to the widows of those whose husbands had died during the war. He must take that opportunity to make some observations on the half-pay of naval officers generally. There was no department under Government of which the clerks did not retire, though upon half the number of years' services, with double the sum of retirement allowance given to the most eminent officers of the navy. He would not mention names unnecessarily, because that might appear invidious; but to quote one example, a gentleman, who was collector of the Customs at Barbadoes, after fourteen years' servitude, has retired with 1,000*l.* a-year. The oldest and most distinguished admirals, who had been from fifty-five to sixty-five years in his Majesty's navy, on retiring, received only 766*l.* 10*s.* a-year. A judge-advocate-general, or first clerk to the Treasury, for fifty years' servitude, received a sum nearly equal to that received by the oldest admirals and vice-admirals on the Navy-List. The former retired with 900*l.* a-year. A vice-admiral (the rank he held) received only 593*l.* 2*s.* 6*d.* He would mention by name one individual, hoping the case would make its due impression on the House. Sir Robert Barlow, one of the most zealous, most distinguished, and, I will say, one of the most brilliant officers of his Majesty's navy, in consequence of having a large family, accepted the situation of a Commissioner of the Navy, and for that office received 1,000*l.* He had a House to live in, with the other advantages. At the end of sixteen years he retired, and he received 106*l.* a year more than he would have received had he remained those sixteen years in the active and dangerous service of his profession. He would allude to another gentleman, who was a Commissioner of the Navy, and who had held that situation thirty-three years, during which time he had always lived in a government house, and had received 33,000*l.* of the public money, as salary. He is now retired, with an income of 750*l.* a year, which is more than an admiral can possibly receive after a life of servitude. A Vice-admiral receives only 593*l.*, and a Rear-admiral only 456*l.*, though he may have been in active service all his life. A gentleman, forty-nine years clerk of the certificates in the Customs, retired with 700*l.* a-year. A chief clerk in the Alien-office had 600*l.* a-year retiring allowance. The same sum was allotted to the secretary of the Victualling Board; and in the department of Stamps, he found 600*l.* a-year given as a retiring allowance, after twelve years' service. A senior clerk in the Treasury, after fifteen years' service, received 525*l.* The oldest captain of the navy had but 264*l.* The junior post-captain only 228*l.*, and that was exceeded by what was given to a clerk of the Navy-office, after twenty-three years' service. A clerk in the Colonial-office, for only fourteen years' servitude, received 300*l.* a-year; another gentleman, for ten years' services as accountant-general of the Post-office, had 276*l.* 18*s.* 8*d.* A landing waiter in Ireland, after thirteen years' service, retired upon 313*l.* 17*s.* a-year. An individual who had been thirteen years a clerk in the delivery-office of the Ordnance, retired with 171*l.* a-year—that being a situation to which pursers in the navy would be equally well adapted. He would observe that the oldest purser in the navy now received, after fifty-six years' service, 95*l.* 5*s.* per annum. After twenty-six years in the service as pursers, the half-pay was limited to the paltry pittance of 3*s.* per day, or 56*l.* 15*s.* a-year. The surgeons in the navy were worse off as to half-pay than assistant-surgeons in the army, the latter having more half-pay, after twenty-five years' service, than surgeons of the navy after twenty-nine years. Since 1815, 100 medical officers of the army had been promoted to ranks higher than regimental surgeons, entitling them to higher half-pay, while only one surgeon of the navy had been promoted to any higher rank, giving him any increased half-pay. The army assistant-surgeon got 7*s.* a-day, after twenty five years' service; the navy assistant-surgeon, if he serve fifty-years had only 3*s.* a-day. The second class attendant masters of dock-yards were equally hardly dealt with. The full pay of these officers was but 220*l.* a-year. It was no wonder that men of enterprising spirit felt a reluctance to enter the navy, when so many instances of unrewarded merit and inadequate provision could be referred to. He was astonished that the naval service of such vast and national importance, should have been so unjustly treated. If hon. Gentlemen would look narrowly into the service, they would find, that in spite of its popularity, there was increasing discontent amongst the members of the profession. He was well aware that the gallant Officers opposite, who now formed a part of the Board of Admiralty, would be very glad to see justice done to their brethren, if they had the opportunity. They felt that those who had served with them deserved the consideration of the country.

Vote agreed to, and the House resumed.

JURISDICTION IN DURHAM.] The *Chancellor of the Exchequer* moved for leave to bring in a Bill "for more perfectly uniting to the Crown the County-Palatine of Durham, and for the commodious administration of justice within the same." The Bill was intended to carry into effect the recommendation of the Commissioners of Inquiry relative to the See of Durham, which exhibited a strange anomaly, having civil as well as ecclesiastical functions attached to it. The object of the Bill was to separate these functions. A reduction of about 10,000*l.* a-year would take place in the revenues of the bishopric—4,000*l.* of which would be taken from the income of the Bishop, leaving him 9,000*l.* a-year; and the Dean and Chapter would be left in the administration of about 30,000*l.* a-year for the instruction of the children of the diocese. He hoped, therefore, that every true friend to the Establishment would assist the Ministers in availing themselves of the first opportunity of carrying the recommendation of the Church Commissioners into effect.

Mr. *Arthur Trevor* being one of the representatives of Durham, he trusted the House would permit him to offer a few words on a subject in which he and his constituents were so deeply concerned. He hoped this Bill would do nothing to lower the dignity of the Church. He was persuaded, that neither the noble Lord nor the right hon. the Chancellor of the Exchequer could have, personally, any such intention; but such would be the consequence if they narrowed the income of the Bishop of Durham to 9,000*l.*—a sum totally inadequate to meet the calls made on that prelate. The right reverend Gentleman who lately presided over that See, by his admirable conduct and acquirements, was not only an honour and an ornament to his diocese and the county, but to the Church in general and the world at large. The other hon. Members for that county and city, though differing from him on points of politics, would, if present, heartily concur with him in that tribute, and in protesting against a reduction which would make the revenues of the dicoese totally inadequate to the calls upon them. The late Bishop gave not less than 2,000*l.* a-year out of his income towards the support of an infant institution in Durham. And besides many other such donations, he contributed largely to several charitable houses throughout the North of England, and even in London. He might safely say, that if the reductions proposed in the Bill were effected, so great would the disproportion be between the episcopal revenue and the expenses of the See, that in a few years it would be impossible to find a worthy divine ready to enter into the latter. Taking into consideration the numerous claims on his munificence which the late Bishop had to meet, and which his successor would be expected to act up to, 8,000*l.* or 9,000*l.* a-year,—however ample an allowance for a private gentleman,—would be found far short of what would be sufficient to support the honour or even the usefulness of the See.

Leave given.

HOUSE OF LORDS,

Tuesday, March 22, 1836.

MINUTES] Petitions presented. By the Marquess of LANSDOWNE, from the Debtors Confined in Whitecross-street Prison, for an Alteration in the Laws of Imprisonment for Debt.—By Lord SKELMERSDALE, from Dover, for the Repeal of the Additional Duty on Spirit Licences; from Ormskirk, for Relief to the Agricultural Interest.

ENTAILS (SCOTLAND).] The Earl of *Rosebery* wished to call the attention of their Lordships for a few minutes to the present state of the law of Entails in Scotland, and he wished to ask whether any noble Lord intended to introduce a measure on the subject? When he intimated his intention formerly of not proceeding with a bill relative to this branch of the law, he expressed a hope that means might be found to remedy the defect, and that bills might be introduced more in accordance with the views and sentiments of those who did not approve of his measure. He was, however, sorry to state to their Lordships, that with reference to such a hope he had been altogether disappointed. He had not abandoned the question altogether; but whether he might be induced to bring in a bill to extend the powers now granted by the law of entail in Scotland, and to remove to a certain degree the restrictions which at present existed, would depend very much on the wishes of those who were immediately interested in the subject.

BANKRUPTCY, IRELAND.] Lord *Plunket* laid on the table a bill to amend the law relating to bankruptcy in Ireland. The object of the measure was to assimilate the law of the two countries on this subject. He was anxious to extend to Ireland the principle of the improvements in the bankrupt law, which had been effected by the 6th of the late King, and by the 1st and 2d of his present Majesty. It was proposed to abolish the present Commissioners of bankruptcy in Ireland, of whom there were twenty-five, and to substitute one Commissioner only for the administration of this branch of the law. In making this alteration, there was not the most remote idea of casting any imputation on those gentlemen, who, he believed, had performed their duties faithfully. The proposition was made, because it would facilitate the objects which suitors had in view.

Bill read a first time.

ECCLESIASTICAL LEASES.] The Bishop of *Bath and Wells* presented a petition from certain holders of ecclesiastical leases in the county of Somerset, against the Ecclesiastical Leases' Regulation Bill. They complained that their interests would be materially injured by the measure, and they prayed their Lordships not to pass it into a law. The petition was well worthy of their Lordships' serious consideration.

The Bishop of *Gloucester* said, this bill had emanated from the labours of the Church Commission, and was a measure of very great importance. When they were looking forward to measures of reform and improvement in the church, it was impossible that they could proceed without introducing some measure of this nature. The petitioners, it appeared, were holders of leases of ecclesiastical property granted for lives, and were apprehensive that their interest would be injured by this measure; but he did not know how such property would be destroyed or deteriorated by the remedy for certain abuses which was provided by this bill. The petitioners prayed, because they objected to one particular part of the bill, that the bill itself should not pass. Now, this appeared to him not to be very fair or reasonable. A multitude of petitions had been laid on their table, objecting to one part of the Ecclesiastical Courts Consolidation Bill, but the petitioners never thought of praying that their Lordships should reject the measure altogether. It would, therefore, appear that the petitioners had some particular object in view when they called on their Lordships not to pass the bill. No wish existed, on the part of the Church Commission, that any improper restriction should be placed on the rights of lessors; and he would say, that those rights could not be affected in any manner whatever by this measure. If anything really objectionable could be pointed out in the bill, he was convinced that those who drew it would not be slow to remedy the defect.

The Bishop of *Bath and Wells* had taken this opportunity to present the petition, because, if he did not present it now, he would be too late when the bill had gone through a Committee. He had also presented it, because he knew those from whom it came, and he was certain that they entertained no other object or motive save that which was set forth in the petition. The right rev. Prelate declared, that, in his opinion, the petitioners were justified in stating that the measure would be prejudicial to their interests.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, March 22, 1836.

MINUTES.] Petitions presented. By Mr. FOWELL BUXTON, from a great Number of Places, against the System of Apprenticeship among the Slaves.—By Mr. FECTOR, from Dover, for the Repeal of the Additional Duty on Spirit Licences.—By Mr. A. PELHAM, from Lindsey (Lincoln) for giving Remuneration to Constables on Apprehending Offenders.—By Mr. HUME, from Tottenham, against Surcharges on Assessed Taxes.—By Sir RONALD FERGUSON, from Nottingham, for Alterations in the Registration of Births and Marriages' Bills; also from the same Place, for Municipal Reform to Ireland.—By Messrs. C. LUSHINGTON and WILKS, from two Places,—for Relief to the Dissenters.—By Mr. TULK, from Edinburgh and Paisley, in favour of Mr. BUCKINGHAM'S Claims.—By Messrs. YORKE, E. A. PELHAM, W. DUNCOMBE, and other HON. MEMBERS, from many Places, for Relief to the Agricultural Interest.—By Mr. JOHN FIELDEN, from Rochdale, against Church Rates.

DETENTION OF MR. JEREMIE.] Mr. *Hume* presented a Petition from M. H. Hitié and M. L. Letond, agents in this country for the inhabitants of the Mauritius, complaining of having been obliged to pay 1,000*l.* for the detention in this country of Mr. Jeremie. The petitioners complained of the undue administration of justice in that colony; and that, though they had been sent over to this country to obtain and conduct an inquiry into the subject, Mr. Jeremie, a most important witness in support of their case, had been sent out of the country by the Government. It appeared from the statements contained in the petition, that the petitioners had applied to the Colonial-office for the detention in this country of Mr. Jeremie, a most important witness on behalf of those who were claiming justice for the inhabitants of the Mauritius; and the Colonial Department of this country had refused to interfere, unless these claimants consented to pay the expenses attendant upon Mr. Jeremie's detention. Rather than allow that learned gentleman to take his departure, they consented to pay 1,000*l.* into the hands of some individual in the Colonial-office. This they had done certainly under protest, in order to obtain, with a view to the furtherance of justice, the evidence of a public servant. The money was, however, paid as an indemnity to Mr. Jeremie, and the petitioners calculated that, this being done, it was the intention, as a matter of course, of the Government, to proceed with the inquiry sought for; but when the Motion for the appointment of a Select Committee came on, his Majesty's Government, by the mouth of the hon. Baronet, the Member for Devonport (Sir G. Grey), objected to the Motion, and thus prevented an inquiry as to whether the charges and allegations contained in the petition were well or ill-founded. The petitioners then asked for the payment to them of the money back; and the answer they had received at the Colonial-office was, that the money had been paid over to Mr. Jeremie. The petitioners, as a last resource, now came to the House, praying its interference, in the hope that the circumstances of the case would be taken under favourable consideration, and that such justice would be done as the merits of the case might require. In conclusion, he must say, that it little became the Government to turn parties round, like a paltry attorney, and avail themselves of a mere artifice to frustrate the just demands of the petitioners. He trusted, however, that the good feeling and liberality of the Government would induce them to do the only justice now in their power—namely, to return the sum so paid and deposited.

Sir *George Grey* said, that he could not but thank the hon. Member for Middlesex for having furnished him with a copy of the petition which he had just presented to the House; at the same time he was bound to say, that the statements contained in the petition were wholly at variance with the facts of the case. He invited the hon. Member for Middlesex to an inspection of the correspondence, from which he would see the variance in the statement from the fact of the case as it really stood. The petitioners came from the Mauritius in February of the last year in the same ship with Mr. Jeremie, and from their habits of intimacy with that Gentleman must have known that he had been appointed in October last to a Judgeship in Ceylon; and yet, though it was said to have been intended to bring the subject forward during the last Session of Parliament, it was only on the 8th of January last that any hint was suggested that, in respect to the inquiry sought for, Mr. Jeremie's evidence was necessary or important. When the notice was given last Session for a Committee of Inquiry, the petitioners were told that Lord Glenelg would give no opposition to the production of Mr. Jeremie as a witness. The noble Lord expressed his readiness to grant an extension of leave of absence to Mr. Jeremie, but refused to detain him except on Mr. Jeremie's express consent. The petitioner, Mr. Hitié, was told, that if he could arrange with Mr. Jeremie, that gentleman might remain in this country, and as an indulgence and favour to the petitioners, all difficulties in the shape of Mr. Jeremie's removal would be destroyed, provided a deposit was made to indemnify Mr. Jeremie, the balance to be repaid on the inquiry terminating. The petitioners availed themselves of this favour and indulgence, and deposited the amount stated in the hands of the cashier of the Colonial Department, Mr. Jeremie having stated, that being himself an officer of the Crown, he would not receive the money, except through the Colonial-office. The money was, however, so deposited, and it was almost immediately afterwards paid to Mr. Jeremie on the written order of M. Hitié. On the whole circumstances of the case, he was prepared to deny that any blame could attach to the department to which he (Sir G. Grey) belonged. He could not consent to charge the public with expenses alone consequent upon the delay attributable to the petitioners. The petitioners not only impeached the conduct of the Colonial-office, but also that of almost every public officer in the colony of the Mauritius. Seeing this, was it, he asked, possible that the Colonial Department could interfere?

The *Speaker* remarked, that before the discussion on the petition should go further, it was desirable that the House should be aware, that it would preclude the possibility of the important business on the paper for to-day being proceeded with.

Mr. *Wilks* thought the contents of the petition well deserving the immediate attention of the House. It was impossible that the statements which had been made, could be allowed to go forth to the public without observation.

Mr. *Roebuck* said, that the present moment was the time to deal with this matter. The petitioners merely claimed from the Government an act of justice, and to that they were entitled. He complained, that pending a motion, of which last session he had given notice, with reference to this matter, Mr. Jeremie had been appointed and sent out to the judgeship at Ceylon, the Government well knowing at the time that it was his (Mr. Roebuck's) intention to make such a motion. Not only was this the case, but Mr. Jeremie had actually been sent out of this country against his will, for he sought for and wished the inquiry. This fact had been kept back—there had in this instance been a *suppressio veri* by the hon. Baronet. He (Mr. Roebuck) had been himself a party to the transaction, and he owned that he had felt that some apology was due to the Colonial-office on the offer to deposit the sum of 1,000*l.* for the purpose of detaining a witness necessary for the ends of public justice. He, however, had been astonished when the money was accepted, and he was still more astonished when, after receiving it, an inquiry had been refused. There had been the grossest injustice in the whole transaction, and he felt that the only means or chance of wiping off the stain cast upon the Government in respect to it was, the repayment by the Colonial-office of the money so paid and deposited.

Petition to lie on the table.

APPRENTICESHIP IN THE COLONIES.] Mr. *Fowell Buxton* rose to move for the appointment of a Committee to inquire into the working of the apprenticeship system in the colonies, the condition of the apprentices, and the laws and regulations respecting them. What he had recently heard from his hon. Friend of the intention of Ministers to bring in a Bill to compel the continuance of that Act which had been allowed to expire in Jamaica, gave him the greatest satisfaction. He had not until very lately expected that this course would be pursued, and in his opinion it did the Government the highest possible credit. It would not be necessary for him to enter at much length into the subject, as the reasons for a Committee must be obvious to all. The very importance of the case would justify inquiry, affecting as it did a great multitude of people—not merely inhabitants of our own colonies, but five millions of the slaves of other Christian countries, whose only hope was to be derived from the moral influence of the example of Great Britain. Another ground was, the deep interest felt by the people of this kingdom, and no one would pretend to say, that the feeling was either partial or transient. They had the satisfaction of knowing, that when the twenty millions were paid no complaints were made by their constituents in consequence of this immense sum being taken for the abolition of slavery. The people of England had paid the money, and they had a right to know whether the act of mercy and liberty for which they had made such sacrifices had been carried into effect. But he had another argument. Nearly two years had expired, and it was time to inquire whether any attempt had been made to evade the statute, or to defraud the people of any portion of that freedom which cost them so much? There had been such an attempt; and the attempt had been hitherto successful. Laws had passed, and practices had crept in, abhorrent to the essential principles of the Abolition Act, and bearing too close a resemblance to the laws and practices of former times. He spoke not universally;—he made no general charge. Some proprietors had honestly performed their engagements; and meeting the wishes, had deserved the bounty of the nation. Some proprietors, however, and no inconsiderable portion of the attorneys and overseers in the West Indies, had exhibited symptoms, not at all equivocal, of a desire, now that the money was paid, to withhold that freedom which it was designed to purchase. If such were their plan, it ought at once to be checked, and the legislature ought to show that it was watching their proceedings with jealous eyes, and would not consent to any,—no, not the smallest encroachment upon those rights which were guaranteed to the slaves by the Abolition Act. He called for a Committee, as a manifestation to those parties, that neither the people of England, nor the Parliament, nor the Government, would consent to alienate the smallest portion of that liberty which belonged to the negroes of right, without purchase, but which the nation had bought and paid for. It was not trifles the planters aimed at, but now, when the money was hardly in their pockets, when one would suppose that they had hardly recovered from their amazement at their good fortune in getting 20,000,000*l.*, for that which, in itself, was not a loss but a gain,—a positive improvement of their property and prospects,—even now, at the very outset, they were attempting to lay hands, not on trifles, but on the essential features and sacred principles of the abolition law. In order to ascertain whether the people of England had received that for which they had stipulated, it was important for the House to call to mind the promises that were made at the time of the passing of the Emancipation Act. He did not intend to read those promises at length, but he felt called upon to allude to them. The noble Lord opposite (Lord Stanley), in the speech he made on introducing the Bill, said, "he stated that the apprentice would be entitled to claim to be put in such a situation as would prepare him to enjoy all the rights and privileges of a freeman, a situation in which he would no longer bear about him any taint of a servile condition;" and again, at a subsequent part of his speech, he said, "in which he would enjoy every right and every privilege of a freeman, subject only to the restriction that he should be under a contract to labour for a certain sum industriously for his present owner, who would only then be his employer. Could words be stronger than those the noble Lord used? The negro was to be virtually in the situation of a freeman; "free from the taint of slavery," "with every right and every privilege of a freeman." One obligation was imposed on him, namely, that he should work forty-five hours a-week for his master. That was the whole of the obligation imposed upon the negro. Beyond that, there was to be no symbol—no relict of slavery—no restriction which did not apply equally to the white man. Clear and explicit as were these words of the noble Lord, the Act was still more decisive even than the expressions of the noble Lord. It said, that after the 1st of August, 1834, they should become, and be to all intents and purposes, free, and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted," and further on, "slavery shall be, and is hereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations, and possessions abroad. Nothing, it was clear, could be more decisive than the declaration of the noble Lord, or than the words of the Act. There were important obligations on both parties. In the first place, there was an obligation on the British Government to pay twenty millions, which had been discharged to the last farthing. There was an obligation on the negroes to work a certain number of hours in each week for those who were their masters. This had been fully performed, and they had surpassed, not the low expectations of the West-Indians, but the warmest anticipations of their warmest friends. Then there remained the obligation on the planters which grew out of the others, and which had been unfulfilled according to the just expectations of the British Senate, and especially in some of the colonies. There were two Acts which were passed by the Jamaica House of Assembly with reference to this subject. The one was passed in December, 1833, and the other in July, 1834. The last Act had been virtually rescinded since. There were no less than twenty-eight discrepancies between the Acts of Jamaica and the conditions stated in the Act passed by the British Legislature. He would point out the authorities for this statement, and he was sure that they would not be disputed. The first was Lord Sligo, who stated that the Act of the Colonial Legislature was, "a most imperfect Act of Abolition." Lord Glenelg, in one of his despatches said, that the Jamaica Legislature had not pursued the course pointed out in the Abolition Act and that the Imperial Act was in force, and that every enactment of the Jamaica Act repugnant to it was null and void. He would call as his third witness his hon. Friend, the Member for Devonport, who thought as ill of the first of these colonial Acts as he himself did. [Sir *George Grey* did not coincide with his hon. Friend.] At any rate, his hon. Friend evidently thought it a very imperfect Act. If he did not entertain such an opinion, what was the use of the Government coming forward as they did, and stating, that if the West-Indians did not do what they were called upon to perform, and which they had agreed to, that the Government would of course enforce the agreement. Why legislate for Jamaica if the island were fulfilling the conditions imposed on it? His hon. Friend, also, last year, if he did not state, at least admitted by implication, that the Act in question was an extremely imperfect Act. He admitted that the second Act was a more complete piece of legislation, but it had been evaded. The next witness after his hon. Friend on this point was Lord Aberdeen, who said that he had no confidence in this Act, "that it was a very imperfect Abolition Bill." He next came to the noble Lord opposite (Lord Stanley). He pronounced the first Jamaica Act "adequate and satisfactory;" but no sooner had he done so, than he proceeded at great length, and with great ability, to prove that it was altogether inadequate and unsatisfactory; and he especially noticed nine grand defects. He had thus clearly shown that this Act of 1833 was considered by two successive Governments as an unprofitable and unjust Act; and that whatever there was of good that had received the sanction of this Local Assembly, was lodged in the second Act, which had been repealed, and therefore they were thrown back on the unjust Act. He would now state what course the West-Indians had pursued on this point. In the first instance, they were determined to obtain the money; and on this being done, to get rid of as large a portion of the obligations on them as possible. Until the money had been paid, nothing could appear more frank than they were; and they appeared to be not only consenting and willing parties, but zealous abolitionists. From the day, however, they had received the money, nothing had been done by them to carry their promises into effect: and instead of this — to use the words of Lord Sligo— they offered every possible objection to every measure of improvement so earnestly urged upon them, in connexion with the abolition of slavery." They insulted the governor—they insulted the Parliament. Thus they spoke of its bounty, in their address to their governor, in February, 1835:

> But when the British Government gravely puts forward a claim to the gratitude of a class of his Majesty's subjects, whose property has been nominally paid for, but substantially confiscated; and when this claim, so ill-founded, is daily reiterated as an excuse for further aggression, the House owe it to themselves, and to their constituents, not to deny the acknowledgment of obligation, but most solemnly and distinctly to declare their sense of a continued succession of injuries, aggravated by misrepresentation and calumny, and consummated by an act of the most unparalleled spoliation ever committed by the Government of any country upon its own subjects.

He heartily wished that this was all that they had done; but they had positively refused to pass the Police Bill, although the Government had told them it was absolutely necessary. [Sir *George Grey:* News arrived yesterday that it had been agreed to.] He was glad to hear it, but the news must have been as his hon. Friend said very recently received, for he certainly was ignorant of it. But why did they not pass something of much more importance? why did they not pass the Act in aid? The mode of rejecting it also was almost as offensive as the thing itself. In the original Act the period of its duration was made co-extensive with the time of apprenticeship, but in the Act as it was passed, a line had been surreptitiously introduced, by which it was made to expire on the 31st of December of last year. The money had been paid and the Act had expired, and now the West-Indians said that they could not renew it. It was a matter of great regret to him that the House gave its sanction to the first Act, which he had already shown had been considered as extremely bad, and, to use the language of the noble Lord opposite (Lord Stanley) "full of defects and imperfections." He acknowledged the obligations that he and those who thought with him were under to the noble Lord for the speech that he made in 1833, in introducing the Abolition Act; he had clothed the facts in language, and advanced the arguments put forward by the abolitionists in a way which gave them an overpowering weight. It was impossible, after a Secretary of State for the Colonies came forward, and showed the overwhelming evils of slavery, for the system to continue; he was bound, however, in honour, to add, that a greater mistake had never been committed than in admitting that the first Jamaica Act was satisfactory. He was the more surprised at the conduct of the noble Lord in this respect, because the noble Lord had cautioned the House in introducing the Abolition Bill, not to rely on the promises of the colonists on colonial subjects, and had quoted the language of Mr. Canning, in which that distinguished man protested against trusting to the assertions of the masters of slaves on subjects connected with slavery. He regretted that they no longer had in their possession the guarantee for the good conduct of the planters—namely, the compensation money. He deeply regretted that the motion he made in 1833, when he proposed to impound the money till slavery were abolished, as well as that which he had made last year on this point, had not been sanctioned. On both those occasions he told the House, that if they paid the money, they would find themselves duped and deceived. He regretted that the words had proved true, and that the British Legislature and the British nation had been completely deceived. Last year, before the money had been paid, he cautioned them not to pay it until they had full security that the other provisions of the Abolition Act would be carried into effect. His propositions, however, had not been sanctioned, and they were thrown back on the defective Act. He had hitherto alluded to the defects in the law, but the practice would be found to be worse. In several communications which he had received there were urgent complaints, that in some of the islands justice was not done to the negroes, and especially on those estates under the management of overseers and attorneys. In some of the colonies he was credibly informed that the negroes were in a most forlorn and unfortunate condition, little better than that from which they had escaped by the Abolition of Slavery Act. There were some observations of Lord Sligo on this point which he should like to hear satisfactorily explained. The remarks he alluded to were in the Parliamentary paper, No. 177, dated 1835, page 45, and were as follows,—"It became necessary to punish a vast number of the negroes as well by flogging as by confinement in the workhouse;" and he subsequently explained this by adding, "From what Colonel Macleod has informed me, I am confident that, as soon as the misunderstanding is got rid of, they will be quiet, unless forced into rebellion by the conduct of the overseers; and, I am sorry to say, many of the masters and managing attorneys. Now, such frequent instances occur of owners placing their apprentices in confinement for twenty-four hours, or, indeed, in some cases, for a longer period, without any charge being brought against them; and these instances are so often only discovered by accident, that I am anxious that no incautious expression should give them any authority for a greater abuse of that power. With respect to the parish of St. George's I have only to say, that it has been the scene of Mr. ———'s exertions, and as the result has not been as favourable as he thinks it, I have the more to lament that so much severity should have been so uselessly adopted." Such incidental expressions as the following, were found in the letters of the special justices:—"Nor do I think it necessary to give more than twenty-five stripes, provided these are given with a proper lecture."—"An exercise of severity on my part."—"Continued and unflinching discipline." — "Punished with some severity."—"An exercise of coercion."—"They (the negroes) require on all occasions to be coerced."—"A dread of coercion."—"Fear of punishment."—"I consider twenty-five lashes sufficient." What meant these ominous expressions? He had received several communications illustrative of the treatment of the negroes, which explained those expressions, and which probably had not reached the Colonial-office. He had moved for returns last year of the punishments inflicted in the West-India colonies, and no returns had been made from Jamaica. [Sir *George Grey*:—They had recently been received.] He was glad to hear it. He was sure that every one who had read the returns from the other colonies, would be surprised at the number of punishments inflicted on the negroes. If he were not misinformed, the punishments from the 1st of August, 1831, to the 1st of August, 1835, were very numerous. He never expected that they would venture to produce those returns, and he would assert, without having read them, that women had been flogged in the workhouses. What could have been more positive and express than the promise that females should not thus be flogged? The noble Lord, amongst other things, charged it upon the planters, that they would persevere in the practice of punishing females. The noble Lord then considered it as one of their chief offences; and reprobated it in the strongest possible terms:—"To talk (said the noble Lord) of preparing the slave for freedom—to speak of developing or ripening his moral faculties, in the face of such abominations—to speak of preparing him for the acquisition of rights, while they were at the same time debasing and degrading his mind, by shewing him that all the domestic ties of his home were to be violated; that his wife, that his daughter, that his sister, were all at the pleasure of the overseer of a plantation, to be subjected to corporal punishment upon their bare persons—to talk of advancing a slave in civilization, while, at the same time, they would not take that poor, paltry, and pitiful step towards raising the negro population from the lowest state of degradation, was a mockery and an insult." At all events, this disgusting practice was to be abolished. So said the British law. In the 17th section were these words:—

> "Nor to authorize any court, judge, or justice of the peace, to punish any such apprenticed labourer, being a female, for any offence by her committed, by whipping or beating her person."

But had the law been complied with? In Lord Sligo's first message to the Assembly, sent to them on the 17th of November, the following passage occurred:—

> "A much more serious breach, not only of the spirit, but even the letter of the law, has been committed under the supposed authority of the Act in question. His Excellency alludes to the rule permitting the use of the whip upon women, by the superintendents of treadmills; this is a direct infringement of the 21st section of the Abolition Act, which expressly forbids the whipping of women under any circumstances."

Notwithstanding the subject was brought under their attention, no steps were taken to prevent this atrocious practice. In his Lordship's speech, proroguing the Assembly on the 3rd of February, this year, he says—

> "The whipping of females, you were informed by me officially, was an illegal practice, and I called upon you to make enactments to put an end to conduct so repugnant to humanity, and so contrary to law."

Nothing was more distinctly proved than that there was one law in the West-Indies for one class of persons, namely, the negroes, and another for the white population. The punishments inflicted upon the coloured population was much more severe than that which fell on the white man for the same offence. For instance, in the first Jamaica Act, there was a power given to the special Magistrates, in certain cases, to punish the negro as well as the white man; his authority over the labourer extends to six months' imprisonment, to fifty stripes, to the right of depriving him of fifteen hours' labour in any week during the whole period of the apprenticeship, and also for prolonging that apprenticeship for one whole year; but his authority over the manager extends only to a penalty of *5l.* or five days' imprisonment, which he is not required but merely empowered to inflict. There were numerous instances, too, of the ill-conduct of the overseers towards the negroes; but he had the authority of the Governor of Demerara for stating, and he believed that the same would be found to be the case in the other colonies, that not a single instance had occurred under the Abolition Act of a negro having been punished for an assault on a white. The negro population, also, had been robbed of their allowances. They were no longer called allowances, but were designated indulgences, and this was apparently done for the mere purpose of vexation. As an instance of this, he would mention that the apprentices were made to work eight hours a day, so that they were obliged to sacrifice the Friday. He had in his possession returns from five or six of the smaller colonies of the punishments that had been inflicted during the year, from the 31st of July, 1834, to the 1st of August, 1835. It appeared, then, that in the small island of Tortola, 467 punishments were inflicted; in Montserrat, 1,034; in Grenada, 2,414; in St. Vincent's, 2,764; in Barbadoes, 7,807; and in Demerara, 8,152. [Sir *G. Grey* :—These were not all corporal punishments.] He did not mean to say they were; but in Demerara, from which the return had been obtained, the number of corporal punishments in one year was 2,177. The punishments were not, he admitted, so great as they formerly had been, but still they were far greater than they ought to be. All these matters, he thought, fully proved the necessity for inquiry. They had parted with their money, which he much regretted, because that was their best security; but they had still another security in the fact that all Acts of the Legislative Assembly were void, if inconsistent with the original Act of the British House of Commons. The people of England had done their duty, and the West-India planters had not done theirs, for now we had no other security than the Act of 1833, which was confessedly imperfect. He was glad, however, to find that Government was resolved to compel the planters to do justice to the slaves, as he understood from what had taken place that night. There was, however, a circumstance which to his mind aggravated tenfold the guilt of the planters in withholding that liberty which we thought we had secured—the universal good conduct of the negro population, from which, not only did the nation derive the greatest gratification, but from which the planters derived advantages hardly to be estimated. He was the last man to underrate the advantages which had been gained by the Act of Abolition. What was the former condition of the planters? He had in his possession a collection of their own descriptions of their own situation, conveyed in memorials to the Throne; and petitions to Parliament prior to the Abolition; and during the whole of that time, year by year, with hardly an exception, they declared themselves to be in the worst and last stage of debt, loss, impoverishment, and ruin. Mr. Bryan Edwards, a West-India planter, and the historian of the West-Indies, referring to the period which closed in the year 1792, when his work first appeared, asserted—

> "That though many have competencies which enable them to live well with economy in this country, yet the great mass of planters are men of oppressed fortunes, consigned by debt to unremitting drudgery in the colonies with a hope, which eternally mocks their grasp, of happier days, and a release from their embarrassments."

But there was more decisive authority than that even of Bryan Edwards, for the prevalence of great distress at this period, and during the preceding twenty years. On the 23rd of November, 1792, a Report was prepared on the sugar trade of Jamaica, by a Committee of the Assembly, and confirmed and printed by its order, which contained the following passage:—

> "In the course of twenty years, 177 estates in Jamaica have been sold for the payment of debts: fifty-five estates have been thrown up, and ninety-two are still in the hands of creditors; and it appears from a Return made by the Provost Marshal, that 80,121 executions, amounting to 22,563,786*l.* sterling, have been lodged in his office in the course of twenty years."

A gleam of prosperity followed the revolution of St. Domingo; but in a few years the sky was again overcast, and in a Report of the Assembly of Jamaica, of the 23rd of November, 1804, and printed by Order of the House of Commons on the 25th of February, 1805, there was the following statement:—

> "Every British merchant holding securities on real estates, is filing bills in Chancery to foreclose, although when he has obtained his decree he hesitates to enforce it, because he must himself become the proprietor of the plantation, of which, from fatal experience, he knows the consequence. No one will advance money to relieve those whose debts approach half the value of their property, nor even lend a moderate sum without a judgment in ejectment and release of errors, that at a moment's notice he may take out a writ of possession, and enter on the plantation of his unfortunate debtors. Sheriffs' officers and collectors of taxes are everywhere offering for sale the property of individuals who have seen better days, and now must view their effects purchased for half their real value, and at less than half the original cost. Far from having the reversion expected, the creditor is often not satisfied. All kind of credit is at an end. If litigation in the courts of common law has diminished, it is not from increased ability to perform contracts, but from confidence having ceased,

and no man parting with property but for an immediate payment of the consideration. A faithful detail would have the appearance of a frightful caricature."

To a voluminous Report on the commercial state of the West Indies, published by order of the House of Commons, in 1808, there was appended a detailed statement from the Assembly of Jamaica, dated the 13th of November, 1807, in which they state—

"Within the last five or six years, 65 estates had been abandoned, 32 sold under decrees of Chancery, and 115 more respecting which suits in Chancery were depending, and many more bills preparing. From these facts," they go on to say, "the House will be able to judge to what an alarming extent the distresses of the sugar planters have already reached, and with what accelerated rapidity they are now increasing; for the sugar estates lately brought to sale, and now in the Court of Chancery in this island and in England, amount to about one-fourth of the whole number of the colony.

"Your Committee have to lament that ruin has already taken place; and they must, under a continuance of the present circumstances, anticipate very shortly the bankruptcy of a much larger part of the community, and, in the course of a few years, of the whole class of sugar planters, excepting, perhaps, a very few in peculiar circumstances.

"On the 15th of June, 1812, a 'Representation of the Assembly of Jamaica to the King,' was laid on the table of the House of Commons, and printed by its order. It is numbered 279. In this representation similar complaints to those already specified were renewed. They there speak of their ruin as complete. 'For two years has this most calamitous state been endured; the crops of 1809 and 1810 are in a state worse than useless; a third draws towards its close, with no appearance of amendment or alteration. The crop is gathering in' (they are speaking here of coffee), 'but its exuberance excites no sensation of pleasure.' If the slaves of the coffee plantations are offered for sale, who they ask, can buy them? 'The proprietors of the old sugar estates are themselves sinking under accumulated burdens . . If ever there was a case demanding the active and immediate interference of a paternal government, to relieve the burdens and alleviate the calamities of a most useful and valuable class of subjects, it is that of the coffee planters of Jamaica.'

"'The distresses of our constituents are not confined to the coffee planters. The growers of cotton, pimento, and the minor staples, are also suffering severely from their depreciation. The sugar planters, however, call more especially for protection and interposition. The ruin of the original possessors has been gradually completed. Estate after estate has passed into the hands of mortgagees and creditors absent from the island, until there are large districts, whole parishes, in which there is not a single proprietor of a sugar plantation resident.' 'The distress,' they add, 'cannot be well aggravated.'"

The general effect of these statements, strong as they are, seems to have been borne out, in some measure, by a speech of Mr. Marryat, in the House of Commons, in 1813, in a debate on the East-India sugar duties. He is stated to have then affirmed, "That there were comparatively few estates in the West Indies that had not, during the last twenty years, been sold or given up to creditors." And now after a lapse of nearly twenty years more, during which the West Indies have been drawing immense sums from the pocket of the public for bounties and protections, and have had freedom, too, given to their commerce in an unprecedented degree, what is the language they are at this very moment addressing to Parliament and the nation? It is this:—

"The alarming and unprecedented state of distress in which the whole British West India interest is at this time involved," the petitioners say, justifies them in imploring Parliament "to adopt prompt and effectual measures of relief in order to preserve them from inevitable ruin."

If such were the condition of the planter, what was the condition of the negro? Bear with you two facts only—first, that the number of punishments inflicted in a single colony, and that not the largest, and in a single year, was thus stated by the noble Lord (Stanley). "In the year 1829, the recorded number of separate punishments in Demerara, when the predial slave population amounted to 60,500, was 17,359. In 1830, the numbers had decreased to 59,547, while the production of sugar had increased, and the number of separate punishments, had also increased to 18,324, the number of lashes inflicted in that year being no less than 194,744. In 1831, the predial population had still further decreased to 58,404; but the punishments had increased to 21,656, and the number of lashes amounted to 199,507." And, secondly, that the mortality and decrease in population amounted to upwards of 50,000 in ten years. Take, I say, the condition of the planters as exhibited in their own memorials, take the condition of the negro as displayed in these two facts, and couple with these the imminent danger of a servile insurrection (the planters felt their danger, for they always described themselves as standing upon a volcano; Mr. Canning felt their danger, for he warned the House, that a single word might kindle a revolt): there was ruin for the one class, cruelty for the other, and danger for both. This was the state of the West Indies while slavery prevailed. What had it become since slavery had been abolished, was it what the West Indians predicted it would be? He would confine himself to two, and the first shall be the manifesto of the whole West-India body. It was circulated through all parts of the country, by hundreds of thousands, in the year 1831. It was in reply to an address, signed by Wilberforce, Macaulay, and others, stating, that—"We, in our conscience, were convinced, after investigation most careful and scrupulous, that from the emancipation recommended, no risk to the whites would arise." The West-India body in reply said—

> "We possess with our property in the West India colonies, the means of ascertaining the actual state of the negro population. We know, and we are ready to prove what we assert, in the face of our country, our well-grounded conviction, that the speedy annihilation of slavery would be attended with the devastation of the West-India colonies, with loss of lives and property to the white inhabitants, with inevitable distress and misery to the black population; and with a fatal shock to the commercial credit of this empire."

These were strong predictions; but there were still stronger, coming from a gentleman, too, whose high station and respectability rendered him a weighty, if not a very correct authority on all subjects in which the interests of commerce were involved, Mr. Baring, now Lord Ashburton stated, that if the Legislature proceeded to put an end to slavery,—"Manufactures would decline; commerce would be withered; ships would lie rotting in the harbours without freight; and the cessation of the cultivation of sugar involved calamities of a more serious description than any which had yet befallen the country." The hon. Member went on to predict the miseries we should have to encounter if slavery were abolished, the least of which was that we should lose several millions of revenue, and should have no sugar for the consumption of the country. He confessed he (Mr. Buxton) never participated in these apprehensions. He did expect, that as the working of the Bill would be novel, and as great difficulty would be thrown in its way by some of the overseers and planters, and all the power of coercion removed, there would be an immediate reduction in the quantity of sugar produced, but he had had such confidence in the energy which freedom imparts, that he was persuaded that as much sugar would be produced from free labour, after a little time had elapsed, as had been obtained from slave labour, and that more would soon be produced than had been in any former period. The last crop in the West-Indies, though not unfruitful, was certainly a very moderate one, which arose from drought at one tim, and heavy rains at another, as stated by the governor. He had been favoured by an hon. Friend with a return of the sugars imported into this country under the operation of the new system. He would admit there was a reduction in the quantity, but was astonished at the smallness of it. He would compare the quantity produced during the year which followed the abolition of slavery with that produced in the year which preceded it. The quantity of sugar imported in the year 1833 was 3,625,000 cwts; in 1835 it was 3,524,000 cwts. The difference was very inconsiderable, much less than had occurred between two years previous to the abolition, and he might substantially say, that the quantity of sugar imported during the last three years was as great, or at least almost as great, as it was in the preceding. This settled the question as to the danger of loss of revenue, and of a deficiency of sugar to supply the consumption of the country. He was sure the House would recollect the predictions of the miseries which the planters were to suffer, all of which had been disproved. Now, as to the effect upon the planters. He begged leave to ask his hon. Friend, the Member for Dover, whether his friends, the planters, were in so bad a situation as it had been foretold they would be reduced to?—[Sir *John Rae Reid* had never predicted ruin to the planters.]—The West India planters were in a much better situation than they had anticipated, and had reason to be perfectly satisfied with the arrangement. He would call upon every man who formed an honest opinion on the subject to say whether the measure, far from reducing the West-India interest to ruin, had not, in fact, redeemed and preserved it from ruin. He mentioned this the more because the House would recollect that a deputation, consisting of influential Gentlemen, had waited upon Lord Grey, and told him that if the Government proceeded to abolish slavery, a crisis and panic worse than that of 1825 would inevitably ensue. He would willingly put it to the right hon. Member for Cambridge, or to any other Gentleman connected with the West-India interests, whether, taking into consideration the state in which the colonies were while slavery existed, and the compensation which had been awarded, there was not every cause on their parts to be perfectly satisfied with the adjustment? There was another question, as to the industry of the negroes. On this point he felt it his duty to trouble the House with a few words. No man would recollect better than the right hon. Baronet, the Member for Cumberland, the objections that were made to the measure on this ground. He asked that right hon. Baronet to recollect the day when the Committee first met, and when they called him in and asked him what he intended to prove? He said that he intended to show that the negroes would work for wages, and that they would be more serviceable to the planters when free than when in a state of slavery. These were the two propositions which he advanced, and it was but justice to the Committee to say, that no two propositions were ever received with more astonishment and distrust. However, they were proved by the papers which he had in his hand, the whole bulk of which was filled with evidence upon this point.—[Sir *George Grey:* Does my hon. Friend mean to read the whole of the papers?]—No; he did not mean to read the whole; but he hoped his hon. Friend would do that for himself—that he would read them, and diligently study them, in his own office, and see what papers were sent over, and what withheld, for he should like to see both sides of the question laid more clearly before the House than it was at present. There were millions of others in the same situation in which these negroes had been formerly, and it was due to all to know that these classes not only did work for wages, but were infinitely more industrious than in a state of slavery. Lord Sligo stated, that out of 415 estates, the negroes of fifteen refused to work for wages; on ninety-three wages had not been offered, and therefore could not have been refused; and on 307 they willingly worked for hire. The same noble Lord, in a communication dated the 27th of March, 1835, stated that the apprentices generally were working for hire, and that nearly double the quantity of sugar per hour was made in that year, in a particular place, than had been made by slaves. There were other facts bearing upon this part of the subject, with which he did not think it necessary to trouble the House; but he defied any Gentleman to look at any part of the papers without finding proofs that the negroes worked willingly for wages. The next point to which it was necessary for him to refer was the effect of the change upon the morals of the black population, and here the testimony was equally strong as to the improvement which had taken place. The Marquess of Sligo, in referring to the state of crime, mentioned that the House of Correction, which had formerly contained fifty inmates, now contained only ten, and there were many other proofs of an equal amendment in this respect. He had a return, dated the 1st of August, 1834, setting forth the comparative numbers of the negroes and of the white population tried at the former assizes, and stating that almost all the more atrocious crimes were committed by the whites. The returns were, that the proportion of these criminals was as one to 357 of the white population, and one to 3,302 of the negroes. Next, as to the question of security. He was sure the House would recollect what serious apprehensions of disturbances were formerly entertained, but he now found the strongest testimony borne by all the governors to the complete tranquillity which prevailed. The Governor of Jamaica stated in one of his despatches, that the most perfect good order and regularity prevailed. This was also the case with the smaller islands, Montserrat, St. Christopher's, &c. He thought it but just to those now in a state of slavery, who had nothing to hope for except through our instrumentality, to state two striking facts, which would serve to show how the slaves had conducted themselves. Lord Sligo had said, that for the number of hours of active labour, the quantity of sugar now produced was equal to that in any former period; and it appeared by a despatch of Sir Carmichael Smyth, dated the 6th of July last, that in the quantity of sugar entered for exportation at the Custom-house of Demerara, during two quarters of last year, there was an increase of 2,466 hogsheads above the quantity entered in the corresponding quarters of the three previous years, and taking into account the loss of time from the shortening of the hours of labour, there was an increase of 4,200 hogsheads. A similar increase had taken place in other colonies. The only article in which there had been a diminution was molasses. Lord Sligo, in one of his communications, said that the success of the new system, and the continuance of the plan of apprenticeships, depended upon the conduct of the white people. It was highly satisfactory to him to have seen a report from the head of the Police, stating that nothing could exceed the good order and tranquillity which everywhere prevailed. He had also received a letter from a gentleman, stating that the price of land in his immediate vicinity had doubled since the abolition of slavery. There was one fact which he would beg the House to bear in mind, because it appeared to him a fair criterion of what people were to suffer by the abolition of negro slavery. The fact to which he referred was contained in a statement made to him by a Member of that House, the hon. Member for Lymington. That gentleman had stated to him that he had what he considered the largest English property in Antigua, and that during five years he had lost by it every year—his total loss being 7,000*l.*; but that since the abolition of slavery, in addition to receiving his compensation, which was a large sum, he had let his estate upon good security, and was to receive during the three first years 1,200*l.* a-year, and after that 1,500*l.* a-year, and that he had since been offered 2,000*l.* a-year. This was a case well worthy the attention of the House. He had ventured to trespass on the patience of the House longer than he could have wished, but he considered it important to show that if the West India planters had misconducted themselves, they could find no apology for it in the faults of the black population. Hardly a white man had been assaulted, and the respect shown to the whites was the consequence of the act of abolition. He thought the statements he had made showed that great improvement had taken place in the colonies since the measure of abolition; that the apprehensions of failure and injury were proved to be unfounded—that the negro population were orderly, industrious, and well-conducted, and that the utmost regularity and tranquillity prevailed. He begged to move "for a Select Committee to inquire into the working of the apprenticeship system in the colonies, the condition of the apprentices, and the laws and regulations affecting them which have been passed."

Lord *Stanley* hoped that his hon. Friend the Under-Secretary for the Colonies, would allow him to interpose for a few minutes between himself and the House. As a member of Lord Grey's Administration, he rejoiced to witness the safe and prosperous progress of the system of apprenticeship, and the gradual transition from a state of slavery to that of freedom which, with some slight exceptions, the hon. Gentleman had admitted to be going on at the present moment. He would not now enter into those predictions of loss, ruin, and bloodshed brought forward by the opponents of the Emancipation Act, which the event had so happily falsified; but he wished to carry back the recollection of the House to the state of feeling prevalent in this country and the colonies about three years ago, and which those who now saw the quiet working of the new system could hardly call to mind so vividly as they ought to do in order to appreciate the difficulty under which Government then laboured, and the grave consideration it was necessary to bestow upon the feelings of interested parties. Three years ago, the hon. Member for Weymouth might have brought forward the question of the Abolition of Slavery at any hour of the night, and any period of the year, and he would have aroused the attention of the House. Let him look round the House, and compare the apathy which was now manifested, an apathy arising from satisfaction with the operation of the new system, with the interest which the subject excited then. However reluctant he or his hon. Friend might be to address so thin a House, yet, as far as he was concerned, the responsibility of a Minister of the Crown required that he should communicate to the House—required him to examine the manner in which that system was carried out. His hon. Friend had made out a case of the extreme alarm, the extreme anxiety, the sensitive nervousness, and the excited state into which the masters of the negro population, and every class of society connected with the West-India islands, merchants, traders, banking interests and shipping interests, were plunged, when the first step was taken towards the accomplishment of this momentous change. All these circumstances made it the imperative duty of a Government undertaking the greatest experiment ever tried in the history of any nation, to act with the utmost caution and moderation, lest they should wound those sensitive feelings—lest they should kindle this half-extinguished volcano—and undoubtedly it was their duty to adopt, in every instance, conciliatory language and conciliatory conduct towards the parties on whom the success of the measure must ultimately depend, consistently with a firm and complete carrying into effect all the enactments and intentions of the British Parliament. If the House would allow him, he would read one or two extracts from despatches which he had sent out, on which he founded his justification of the course pursued by Government, and which he had written to convince the Colonial Governments that adequate and satisfactory provisions ought to be made to carry into effect the Emancipation Act. The noble Lord read the following extract from a despatch addressed to Lord Mulgrave:—

"You will distinctly understand that you will not be authorized to consent to any ordinance creating an intermediate state of a different description, or subjected to the restrictions of a different nature from those contemplated by Parliament. The term of apprenticeship may be shortened; the hours of compulsory labour may be fewer; the burden imposed may be made lighter; but no distinctions must be allowed to be drawn between those at present free, and those at present slaves, of a different character from, or to a greater extent than those which have been sanctioned by Parliament. As you will consider yourself precluded by your instructions from sanctioning any ordinance which may prolong the duration of the intermediate state, or impose any heavier burdens upon those who are in that state, so you will likewise withhold your sanction from any ordinance perpetuating or continuing, after the termination of that period, any distinctions or exclusions arising out of a previous servile condition."

He read this to show what were the expectations held out by Government, and upon which the colony of Jamaica proceeded to legislate; and he hoped the House would bear with him if he turned their attention to the view of the subject taken by Lord Mulgrave. At the time when the noble Lord was sent out, great doubts were entertained whether the Legislature of Jamaica would consent to meet Parliament in that spirit of conciliation and friendly intercourse so necessary to success. The House would recollect, that every single colony was looking to Jamaica to see the course which would be pursued by that island, and by the British Parliament towards it. In proportion as they were disposed to meet our views, and as we were disposed to put a fair and liberal construction on their actions, was the certainty of coming to a just and proper conclusion. He was sure his hon. Friend would be the last person to deny that Lord Mulgrave was bent, heart and soul, on carrying the provisions of the Act into effect, and he would be the last to deny that to the discretion, prudence, firmness, and judgment of his noble Friend, they owed, in a great degree, the successful issue of the measure. Lord Mulgrave opened the legislative Session on the 20th of October, 1833, by a speech, recommending the Slavery Abolition Act to their careful consideration. On the 24th of November, the noble Lord wrote to him as follows:—

"I am happy to be able to inform you that a Bill for giving effect to the provisions of the British Act for the Abolition of Slavery having been introduced into the House of Assembly, has passed through all its stages except the last; that it stands for a third reading to-morrow, which it is considered will be a mere matter of form, and I hope to be able to announce its having finally passed the House, in a postscript. It has of course been my anxious endeavour, in the absence of any positive instructions from you, to induce the Members of this House, with whom I have had personal communication, to bring forward such a measure as should adhere as strictly as possible to the principles of the British Act, and, at the same time, as far as they are at present in a condition to do so, to develope such of the details as are left to them, with a view to giving effect to its provisions.'

A promise was held out to the Colonies in the despatches of the Government, that if there should appear to be no repugnance, on their part, to adopt the measure of Emancipation, and if they should make no intentional omission in their provisions for carrying it into effect,—the measures they might respectively take would be regarded at home in the most fair and liberal spirit. Upon this subject Lord Mulgrave observed:—

"I do not think, upon the first point, you will find the slightest cause of complaint, as the majority so completely entered into my view of the importance, in the instance, of shewing their acquiescence in the principle, that, in general, they have adopted the very words of the British Act. If upon the second point their labours should not appear in all respects efficient, it is not from any indisposition to undertake the task required of them, when there shall have been more time given them for consideration;—but from a desire to postpone any minor points upon which there might be a difference of opinion amongst themselves to the great object of tendering to the British Government this substantial proof of co-operation on their part, and which they hope will give them a claim to the favourable consideration of a memorial they intend to forward home, asking to be allowed to make some alteration in the details;—upon the expediency or practicability of which, as soon as I am made acquainted with them, I have promised to transmit to you, at the same time myown opinion. Upon the ultimate arrangements they may make for the establishment of a police, they are anxious not to be called upon to make any legislative provision till the answers on these subjects are received from England. But I am sure they will be much encouraged to persevere in the improved disposition they have lately shewn, by that approbation of the measure now passed, which I think, upon the whole, you will not be inclined to withhold."

He would next quote the words with which Lord Mulgrave took leave of the Parliament which had passed this Act:—

"I can now release you from your further attendance here, and in thus closing a Session of almost unequalled length, and certainly of unparalleled importance, I look forward with satisfaction to your immediate return to your homes, whereby you will be enabled to diffuse through your several parishes, the most accurate information upon those difficult and delicate topics which have here engaged your attention, and upon which it is so desirable to avert misapprehension. You may rely upon my co-operation, by every personal exertion in my power, to secure the perfect understanding of the real truth. Under the peculiar circumstances of the season, I have, therefore, thought it better no longer to protract this Session, though there may still be some few measures not completed, which might otherwise have accompanied the settlement of that great question, the consideration of which has engrossed so much of your time, and which you have happily brought to a successful termination; for which I must now offer you my thanks and congratulations.

Here was the announcement of Lord Mulgrave, accompanied also by a declaration that the Bill had been still further improved in its last stage. Here was also his communication, expressing a strong and confident hope that his Majesty's Government would not withhold their approbation, from the Act which had been passed. First, there was the encouragement held out by the British Government; and next, the advice of Lord Mulgrave to ratify the Act, which had been passed in full confidence that the hopes so held out would be fulfilled. Now, under all these circumstances with a strong expression of approbatio, from the Governor of Jamaica to the Colonial Parliament upon dismissing the members of it to their respective homes, and with a strong recommendation of the p oceedings of that Parliament made by the Governor to the Government at home, considering that every other colony was looking with intense interest to the mode in which this question was to be settled with the slave-owners in Jamaica, he asked in what position would his Majesty's Ministers have placed those mighty interests, with which they were charged, if, in compliance with the view of the hon. Member, they had refused compensation to the owners of slaves in Jamaica, on the ground that they had not made adequate legislative provisions for carrying into effect the intentions of the British Legislature? They would have caused an explosion—they would have created a volcano in the empire in the West-Indies—worst of all, they would have forfeited their character, as men of honour, by not redeeming their pledge that a fair and liberal construction should be put upon all the Acts passed by the Colonial Legislature in furtherance of the great Act of Emancipation passed by the imperial Parliament of Great Britain. What, then, was the course which he had pursued? Feeling this question to be one of vital importance, in which a false step might be fatal to the success of the new system, he conceived it to be his duty not to decide it on his own individual responsibility, but to bring it under the consideration of all his colleagues in the Cabinet. He had therefore laid before them all the omissions, deviations, and variations, from the British Act of Parliament which were contained in the Act of the Local Parliament of Jamaica. The two Acts were referred to Mr. Stephen; and his observations upon them were brought by him (Lord Stanley) under the consideration of the Cabinet. He stated to his colleagues the doubts which had arisen, and the omissions and deviations of the Legislature of Jamaica. He asked his colleagues, one by one, upon each omission and deviation separately, whether they thought it sufficient to justify the Government in refusing the compensation on the ground of the inadequacy of the required provisions; and he also asked them the same question collectively upon all the omissions and deviations taken cumulatively. If there had been any difference of opinion on the subject in the Cabinet, he should have felt himself precluded from alluding to it by the confidence which his colleagues were bound to repose in him; but there was no difference of opinion whatever. The meeting of the Cabinet on this question was held at the house of the present Secretary of State for the Colonies, and at that meeting he received from the members of Earl Grey's Administration, one after the other, a declaration that we should not be justified in withholding the compensation, on the ground that the parties claiming it had not made adequate provisions. He was nevertheless, of opinion, that his Majesty's Ministers were entitled to point out to the Colonial Legislature the points on which he thought that they had been guilty of some defects and omissions, and he had in consequence thrown it on the kindness and good feeling of the Legislature of Jamaica to make good those defects and omissions. He had pointed out to them nine distinct points on which they had defects and omissions to supply. His right hon. Friend the present Chancellor of the Exchequer, whilst filling the office of Colonial Secretary, had received a letter from the Marquess of Sligo, stating, that in compliance with the wishes of the Government at home, the House of Assembly had allowed a supplementary Bill to be brought in,—he admitted that it was but a temporary one, requiring to be passed from year to year,—in which every single point of those nine points was met save one, and in that solitary case the noble Marquess had written to the Government at home hoping that they would not insist upon it, as he himself should not be able to support it if he were an independent Member of the Assembly. These were the circumstances under which the Government had acted, and taking the most unfavourable view which the hon. Member could suggest of those circumstances, he would say, that the consequence of making such a declaration as that for which the hon. Member had called would have been productive of the most pernicious effects in the West Indies. Hitherto nothing of that kind had occurred. He had had the satisfaction of seeing the great measure of the abolition of slavery carried into effect, not only without slaughter and bloodshed, not only without confusion and disorder, not only without loss and ruin, but even with an important improvement to all who came under its influence—to the planter as well as to the negro—to the master as well as to the slave. The noble Lord concluded his observations by stating, that he had personally no objection to grant the Committee for which his hon. Friend had just moved.

Sir *George Grey* did not rise to offer any opposition to the motion of his hon. Friend the Member for Weymouth. When his hon. Friend brought forward his motion last year, on this subject, it was connected with an avowed object which his Majesty's Ministers deemed to be inconsistent with the national faith and honour; and, although they imputed no such intention to the hon. Member, they felt themselves called upon firmly to resist the proposition which he then made. The present motion was of an essentially different character. There was no intention expressed of withdrawing the payment of the money granted by Parliament as compensation to the late owners of slaves, nor was the system of apprenticeship itself impeached, neither was any attempt made to abolish it at once by the act of the Imperial Legislature. The hon. Member for Weymouth had expressed no such intention. If indeed his hon. Friend had done so, it would have been the duty of the Government to have resisted such an attempt, and he was satisfied that the House would not have consented to unsettle and reverse one of the fundamental enactments of an Act which, with all its defects, was one of the brightest ornaments of our times,—which had struck off the fetters of the slave,—had introduced him into a comparative state of freedom,—and had secured to him, after a short interval, the full and free enjoyment of his liberty. But, because his Majesty's Government would have thought it incumbent upon them to oppose this motion, had its object been to unsettle the principles on which the Abolition Act was founded, it by no means followed that the working of the present system was not a fit subject for Parliamentary inquiry. He conceded to the hon. Member for Weymouth, that in accordance with the declaration which he had before made in the House, the Parliament and the people were fully entitled to the most ample information, as to the working and administration of a system for which they had made such a liberal and generous sacrifice. They were entitled to know how their money had been applied, and that the intentions of the British Parliament were *bona fide* carried into effect. They had a right to know what Acts had been passed affecting the apprentices in the colonies—the present condition of the negroes there, and whether the superintendence exercised by his Majesty's Government was such as to secure them that protection in the exercise of their newly-acquired rights to which they had an especial claim. On the occasion of his hon. Friend's motion, last year, a circular was addressed by his Majesty's Government to the Governors of the different colonies, in order to quiet any needless apprehension in the minds of the proprietors, as to the course which his Majesty's Government felt it their duty to take, in which it was distinctly asserted that the right of the people of Great Britain to the fullest information as to the administration of the system, was undoubted, and in accordance with the principles which he had ever maintained; and seeing nothing in the present motion which went beyond this, he cheerfully and cordially acceded to the appointment of the Committee asked for by his hon. Friend. Nor did he conceive that the appointment of such a Committee need raise alarm on the part of those interested in colonial property, for the Assembly of Jamaica had already appointed, no less than three Committees of a similar nature. The reference to one of these, indeed, was worded in nearly the same terms as those of the former parts of the motion of the hon. Member for Weymouth. That Committee was appointed in the latter part of the year 1834, to inquire into the working of the new system. They examined witnesses on the subject, and made a Report, now lying on the table of this House, in the series of papers presented to Parliament on the abolition of slavery. This Act of the Colonial Legislature must, I think, tend to quiet any apprehensions on the part of the West-Indian proprietors, that the step now about to be taken would prejudicially affect their interests. On the part of his Majesty's Government, he must express his satisfaction at the appointment of the Committee, because it would afford an opportunity of meeting and refuting, before an impartial tribunal, charges which he regretted to have seen circulated through the country without any opportunity of contradicting them; charges impugning not only the conduct of the West-Indian planters, but that of the Government which had been accused, without the slightest evidence of conniving at abuses alleged to have rendered the apprenticeship worse even than slavery. He rejoiced that to a Committee was to be delegated the task of investigating the whole of this question, and who, with no preconceived opinion on extreme views on either side, will be able to form a correct and sound judgment upon the whole matter submitted to them. He believed the result of the inquiry would be—to shew that the interests of the West-India proprietor, and the condition of the negroes, had alike been improved by the change. He was bound to say, that he did not believe the proprietors in this country had stated, or were disposed to state, that their property had been deteriorated by the change. He was unwilling to say anything disrespectful of the absent; but he could not help observing, that there was a great difference between the West-Indian proprietors, here, and those resident, and intrusted with the management of the estates, in the West Indies; and whatever statements might have been made as to the depreciation of property by the abolition of slavery, they had not proceeded from the body of proprietors at home. He believed that the result of this inquiry would show, that property in the West Indies was no longer in so depressed a condition as it was for a considerable period before the recent change took place. The dread of insurrection had passed away, and capital was now finding its way into channels in which, during the latter years of the existence of slavery, no prudent man would willingly have risked any portion of it. So far from any such predictions as those referred to by his hon. Friend having been fulfilled, they had been completely falsified, so far as the system had yet had time to develope itself. Notwithstanding what had been asserted to the contrary, he believed that he should be able to satisfy the Committee that the condition of the negro had been much improved. Many of the supporters of abolition objected to the system of apprenticeship when the Bill of 1833 was under discussion; but that question was then settled by Parliament; and the only fit subject for inquiry now was, had the system been fairly acted on, both towards the planter and the negro. His hon. Friend was the avowed representative of the anti-slavery party. Of their principles, and of their zeal he wished to speak with respect; but he could not equally commend their judgment or their fairness. His hon. Friend would not assert, as had been asserted by some of the anti-slavery party, that the negro, during the apprenticeship, was in a worse condition than when in a state of slavery. Such statements had been made; but, on examination, they would turn out to be unfounded. He would not go into many details, because the facts on which he should rely would come with greater weight from witnesses examined by the Committee, and from the documentary evidence which would be submitted to it, than from him. But there were two or three points on which he wished to trouble the House, in order to guard against the possibility of its being supposed that, in acquiescing in the appointment of the Committee, he was sanctioning the statements of the hon. Member for Weymouth. He could not help noticing the declaration attributed to the hon. and learned Member for Dublin, at a public meeting at Birmingham. The Report purported to be a corrected Report of the proceedings of that meeting, comprising the speech of the hon. and learned Member. He was there made to assert that the situation of the negro, under his present condition of apprenticeship, was worse than slavery. He was surprised at finding this opinion entertained by one of such strong sense and sound judgment, and with the means before him of forming a correct conclusion; but in the next sentence the strong sense and the liberal sentiments of the hon. Member had led him into a happy inconsistency; for, having adverted to the subject, he could not refrain from drawing, in striking and emphatic language, the contrast between the negro mother, in a state of slavery, looking on her infant and shedding bitter tears, on the reflection that it was born to hopeless slavery, and the same mother, under the present system, pressing her infant to her bosom, and looking upon it with a smile of heartfelt satisfaction, produced by the assurance that it was born to all the privileges of a British freeman,—that in a short time she herself would be free,—and that her child, in the enjoyment of absolute freedom, would be the solace and the comfort of her declining years. He wanted no other argument than this to refute the hon. and learned Member's own position, unless, indeed, he would contend that nothing was gained by the substitution of hope, or rather certainty, for despair. But he might be told that whatever was the advantage derived from the prospects of the future, the present state of the negro had not been improved. That was a mistake; the hon. Gentleman was not quite correct in stating that the Secretary of the Colonies promised that, on the passing of this Act, we should hear no more of the lash. It was to be taken, and it had been taken, from the irresponsible hands of the master, and had been placed in the hands of the stipendiary Magistrates, who are responsible for the right use of their powers, in the first place, to the Governor of the colony, and, in the second place, to the Government at home; and these persons had no interest whatever in the labour performed by the apprentices. What had been the result? The rapid and gradual diminution of the whip as an inducement to labour. In the Bahamas the Governor had felt himself able to abolish corporal punishment altogether, except when inflicted by the ordinary tribunals for offences which rendered all persons equally liable to it with the apprenticed labourers. His hon. Friend might say, that the Bahama Islands were not a fair sample of the West Indies; let him take, therefore, Jamaica. It had been said that punishments had been as severe and as frequent in Jamaica, since the apprenticeship system came into operation, as they were previously. He was quite willing to concede, that at an early period of the apprenticeship, the lash was not disused to the present extent. According to a return which he held in his hand, it appeared that, out of a population of 312,000 apprenticed labourers, 712 had received corporal punishment in Aug. 1835. In December, out of the same number, only 306 received corporal punishment, and it was found, on a reference to the returns for the intervening months, that they shewed a regular and progressive decrease. The case of British Guiana had been particularly alluded to by his hon. Friend, as a place where the whip had been greatly used. Of that colony great complaints were made during the existence of slavery, and punishments were alleged to have been unusually severe there. What were the facts with respect to British Guiana now? A recent despatch of the Governor, dated the 12th of December, 1835, stated:—

> "The Reports from the special justices for the last month show a very considerable decrease of punishment, the total number of cases for which whipping was adjudged being only forty-nine. I look forward with confidence to a still further diminution, and even to an ultimate disuse of the lash in this colony altogether, except by the sentence of the Criminal Courts for the repression of theft. Every successive month, since the abolition of slavery, the number of individuals so punished has gradually diminished, as to entitle me to be very sanguine in my expectations that the period is not far distant when this mode of punishment will be all but extinguished."

On a comparison of the number of corporal punishments inflicted in British Guiana during the last years of slavery and the first year of apprenticeship, when the new system existed under every disadvantage, and the Special Commission was confided to persons interested in the exaction of labour—which was now not the case—a diminution of 2,000 would be found to have taken place. Subsequently to July, when the Special Commission was limited to disinterested persons, the decrease in corporal punishments had been rapidly progressive. In July, the number was 208; in August, 93; in September, 79; in October, 77; in November, 49;—in December, only 21. Was there a single hon. Member who did not believe that the negroes in British Guiana were now in a better condition with responsible special Magistrates, solely authorised to inflict punishment, and to whom they could look for protection in the exercise of their rights, than when they were liable to be punished at the arbitrary will of their masters? If that were admitted, all he would ask was, for the sake of the negroes themselves, not to excite upon this question needless agitation, by statements, and received with implicit credence by multitudes elsewhere, who had no means of ascertaining the real facts. He asked his hon. Friend to interpose the weight of that authority and influence which he so deservedly possessed with those who looked to him as their leader and their organ on this question, to check the propagation of statements and opinions which were manifestly erroneous. The inquiries of this Committee would be eminently useful in removing the unfavourable impression which had been made in some quarters, as to the special Magistrates, on whom the most unjust reflections had been cast, but who were entitled to the greatest credit for the manner in which they had discharged their duties, which were of the most onerous and arduous nature; and by unremitting attention to these, many of them had fallen victims to their exertions. It had been said, that they were the mere tools of the planters,—that the planters had only to call for punishment, which was inflicted without adequate inquiry;—and that, in fact, the whip was only transferred from the hands of one to the other, without any diminution of its use. He had but to refer the House to the evidence which he had adduced as to the comparative number of punishments now and in the time of slavery, to vindicate the special Magistrates from this imputation. But it was only due to them to state, after reading their periodical reports, and looking to the actual amount of their labour and their important duty, that he was firmly convinced that they did not merit the censure cast upon them; and he hoped that no impressions unfavourable to them would be sanctioned by the authority of his hon. Friend. There had been instances of misconduct on the part of the special Magistrates he admitted; but it could not be denied that every such instance had been punished, and that there had been the greatest vigilance exercised by the Home Government to check every species of improper conduct. It might be alleged that the diminution of punishment had been obtained by the sacrifice of the interests of the planters, which the special Magistrates were equally bound to protect, with the rights of the apprentices. An answer to that would be afforded by an extract from the same despatch of the Governor of British Guiana, to which he had referred. Sir Carmichael Smith said:—

> Your Lordship will be gratified to know that during the last month (November), the Custom-house Returns shew that, from this river, 8,211 hogsheads of sugar have been exported; whereas, upon an average of the three last years of slavery, during the same month, not more than 5,610 hogsheads passed through the Custom-house. This colony never was in a more prosperous and flourishing condition; and I believe, with very few exceptions, the dissatisfaction of the planters, at the late change, is fast wearing away.

The same despatch also said, and the passage would be interesting to the House, as it related to the conduct of the negroes:—

> In proof of the rapid advance of a moral feeling amongst the apprenticed labourers, and of their anxiety to raise themselves in the scale of civilization, I take the liberty of laying before your Lordship an extract from last Saturday's *Gazette*, containing the advertisements of not less than seventy-nine marriages. The number advertized each Saturday varies of course, but the general average is about ninety. In a couple of years the system of concubinage will be extinct. The late ordinance permitting marriage to be solemnized, indiscriminately, by all ministers of the Christian religion, has produced the happiest effects, and was a very great boon to the apprenticed labourers.

His hon. Friend had also referred to women being flogged. From an extract which his hon. Friend read from some despatch, an impression might have been left that the Magistrates freely used the lash upon women, who were still liable to this punishment. In the Committee he should be able to shew, that since August, 1834, no woman had been flogged by order of a special Magistrate. This might be disputed, because there were most objectionable laws in Jamaica, which sanctioned the punishment of whipping, not on females as labourers, but on any females in the houses of correction; and in such cases corporal punishment might have been inflicted upon women. He need only add, on the subject of the Committee, that he trusted, by the establishing of facts, that it would disabuse the public mind of the false impressions produced upon it by that zeal, for which he entertained great respect, but which sometimes overstepped the bounds of discretion, and adopted with too much eagerness as facts, stories which distance prevented it from sifting. That zeal animated a large number of persons, who justly hold that much yet remained to be done to render the abolition of slavery complete. It behoved the British Parliament and people, he admitted, to keep a watchful eye on the condition of the negro population, even after apprenticeship should have ceased, as well as at present, and absolute freedom had been established in all the colonies. One effect of the Committee, he trusted, would be to increase a disposition to impart moral and religious instruction to the negroes, and to use those means which, by God's blessing, might be instrumental in elevating their character and developing those qualities which they possess in common with themselves. By co-operating in the promotion of this object, we might eventually point to those colonies, which, as long as slavery existed, were our shame and reproach, as some of the brightest spots in those vast possessions which Providence had confided to the care of the British Legislature. He should be glad to sit down, without adverting to the subject which his hon. Friend had mentioned—the present state of the law in Jamaica. But it was necessary for him to state the course which the Government had felt it their duty to adopt with reference to it. He needed not advert at length to the circumstances under which the original Act of the legislature of Jamaica was declared adequate and satisfactory, so as to entitle that colony to its share of the Compensation Fund. He had stated his opinion on that point, in the course of last session, when his noble Friend (Lord Stanley) was censured for the confidence which he had reposed in the Colonial Legislature. He had then shown that his noble Friend had acted in accordance with the advice of Lord Mulgrave, whom no one could accuse of indifference to the rights of the negro, and whose opinion was entitled to the greatest weight. After what had been to-night stated by the noble Lord himself, in vindication of the Government of which he was a member, he might safely leave this part of the subject without any further observation. On the 2nd of July, 1834, an Act was passed by the Legislature of Jamaica in pursuance of the recommendations of his noble Friend; it contained many important details, and substantially met the conditions he had required; but while the first Act was made co-extensive with the period of apprenticeship, the second Act was only to be in force until the last day of the year, 1835. He was bound to say, that the Colonial Legislature, by thus limiting the duration of the Act in Aid appeared to him scarcely to have justified the generous confidence reposed in it by his noble Friend. In December, 1834, another Act was passed, which was disallowed on the ground of its containing objectionable provisions. In February, 1835, the attention of Lord Sligo was called by Lord Aberdeen to the circumstance of the limited duration of the first Act in Aid, and his Lordship stated that the Legislature of Jamaica would not, in his opinion, discharge its duty if it did not make that Act co-extensive with the original Act. An early session took place in August last, and in anticipation of that session, Lord Glenelg again adverted to this subject in the same spirit in which Lord Aberdeen had before expressed himself. He called Lord Sligo's particular attention to the statement of his predecessor, and in directing him to propose to the Legislature the continuance of the Act in question, until the expiration of the apprenticeship, he stated it as his opinion that the Colonial Legislature was pledged by good faith to the Parliament and people of Great Britain, to adopt the measures recommended. That session terminated without the transaction of any business, and a dissolution ensued. The last session commenced in November, and the attention of the Legislature was invited to the early consideration of this question. At the same time instructions had been sent to Lord Sligo to refuse his assent to any Bill, which contained any of those clauses which had occasioned the disallowance of the former Act, or other objectionable matter. A Bill passed the Assembly comprising clauses with objectionable matter. The council introduced amendments, rendering the Bill unobjectionable. The Bill, as amended, was sent down to the House of Assembly, who unhappily resolved to adhere to the original Bill, and refused to accede to the amendments of the Council. Lord Sligo, anxious that the Bill should not be lost, as it must have been if sent to him in the shape in which it passed the Assembly, took a step which, though the motives were, undoubtedly, of the best kind, he regretted, as it afforded to the House of Assembly the opportunity of saying, that a breach of their privileges had been committed. To save the Bill from ultimate rejection, Lord Sligo sent a message to the Assembly, earnestly recommending a reconsideration of the amendments. The effect was, that the Assembly resolved, that a breach of their privileges had been committed, and refused to transact any further business until reparation had been made. Under these circumstances a prorogation took place for a day, and Lord Sligo addressed the House of Assembly in a speech in which he justified the course he had taken. On meeting again, the Assembly adhered to their former resolution, and a second prorogation took place for the usual period. He imputed no blame with respect to these transactions; all he wished to do was, to shew what the actual circumstances were—by which an Act, containing enactments of very considerable importance to the negro population in Jamaica, had been suffered to expire. The Colonial Legislature having omitted to pass this Act, the British Parliament would enforce a compact entered into, for the advantage of the negro, and would not allow his rights to be unprotected. His Majesty's Government had, therefore, determined to introduce a Bill, of which he had given notice to-night, and which, he trusted, Parliament would readily sanction, for restoring the law in Jamaica to the state in which it stood previously to the end of last year, and for continuing it in that state till the 1st of August 1840, unless the Colonial Legislature should supersede that law, by enacting some equally efficient Act, themselves. By this means, those enactments would be again in force in Jamaica, which had been already sanctioned by the Colonial Legislature, and which could not be said to be inapplicable to the state of society in that island, having been in operation there for a year and a half, by virtue of their own Act, and being as necessary for the remaining years of apprenticeship as they were during the first year and a-half. It was in no hostile spirit that this decision had been taken—it was from no desire to coerce and to compel, but it was founded on a recognition of a compact, which the negro was entitled to call on the Government, to fulfil, by securing to him the enjoyment of those rights which it was the intention of the British Parliament that he should enjoy. It was from no disrespect to the constitutional privileges of the Colonial Legislature that ministers called for the interference of Parliament, but they would be unworthy of their station if they allowed any considerations to stand in the way of the performance of a solemn duty, and the fulfilment of a compact for the protection of the negro, which the British nation had a right to enforce. For the constitutional privileges of the Colonial Legislature his Majesty's Government entertained the highest respect; but they respected still more those great and fixed principles of justice, which they were prepared upon all occasions to maintain, especially when invoked on behalf of the defenceless and oppressed.

Mr. *O'Connell*:—Sir, I regret exceedingly, that the Hon. Bart. should have made it necessary for me to intrude upon the House at all. He has censured (though certainly in very complimentary language to myself) the agitation of this question elsewhere; and yet I think enough has fallen from the hon. Bart. himself to justify agitation out of the House on this subject. Sir, it is true, I did say at Birmingham, that, under the working of the apprenticeship system, the negroes were worse off sometimes than they were in a state of slavery. I did not say that lightly. I had the documents before me from faith-worthy persons, showing that what it was the interest of the slave-owners to do was done; it is their interest to make the negro work out his full time: for instance, out of an able-bodied negro the owner formerly got twelve years' labour; but he had the twelve years to get it out of him; but now, the power of the owner lasting only for six years, it is his interest to get out as much of the twelve years' labour as possible in that six years. That is the natural consequence; it is the natural effect of the system; he has none, not the slightest interest in the negro after the expiration of the six years' apprenticeship, and he has no object therefore but to get as much out of him as possible in that time. Again, documents from faith-worthy persons were before me, showing this—that many indulgences which were allowed in a state of slavery, were withheld in the state of apprenticeship from the negroes. For example: it seems they were formerly allowed water while working in the fields. That was an indulgence, perhaps, not appearing to us very essential, but very important in that climate when working in the open fields. Yet, in many instances, (so I am informed) I do not vouch for the truth, this indulgence is given only as the price of additional labour. These things being stated by faithworthy persons, I did assert that the condition of the negro was sometimes worse under the apprenticeship system than before the Act passed. I have heard enough in the House to-night to make me doubt them; but, at any rate, every doubt, will be very effectually removed by the inquiry which the whole subject must undergo before a Committee, which I believe his Majesty's Government do not object to. I was not guilty of the absurdity of holding out that the Compensation Bill produced no good; on the contrary, I then passed, by a natural transition, to the great advantages which that measure was calculated to produce, and particularly to the bright prospect of futurity, as more than overbalancing the individual instances of cruelty and oppression: something like the French cook who, when busily engaged in inducing the liver complaint in a goose, consoled it by saying that its agonies were preparing it for the honour of one day forming part in a splendid dish for some Parisian connoisseur. So, I suppose, the poor negro is to be satisfied in his present state of oppression by the splendid prospects of futurity. I do, however, maintain that it is necessary for great public vigilance to be exercised over the working of this system. We have paid, and paid, I think, liberally and abundantly, for this measure, and we must not be cheated by any one of that which is the value of our money. That which we stipulated for was future liberty, and at present as much of comfort as is consistent with a mitigated state of slavery: for after all it is nothing more than that. It is slavery under another name. The experiment has succeeded on the whole; but I cannot help hoping that the system of the lash will be put an end to; that females have been flogged is admitted, but I am told it will be prevented in future; I earnestly hope and trust that the lash will shortly be entirely taken away from magistrate, overseer, or owner; the negroes ought not to be urged on to their labour, like brute beasts, by corporal punishment. I am heartily glad the Committee is to be appointed.

Mr. *William E. Gladstone* said, that as Government had agreed to the motion for a Committee, it would be well that its object should be clearly understood. His principal motive in rising, however, was to remark on some of the observations that had fallen from some hon. Gentlemen in the course of this debate, and to counteract, if possible, the impression, unfavourable as it was, which was likely to be produced with regard to the West-Indian body. Allusion had been made in the course of the debate to the grant of compensation-money voted to the slave owners; and the term "enormous" had been applied to it. Now he had no objection that it should be called liberal, munificent, or any thing else which might serve to express the disinterested and noble generosity of the people of this country in making it. But the term "enormous" appeared to imply a disproportion to the value of the consideration which was given up for it: and when it was considered that, in the worst of times, the value of slave property was estimated at 45,000,000*l.*, it could not certainly be said with justice that the grant of 20,000,000*l.* was an "enormous" amount of compensation. It was wrong too, in reasoning on the condition of the negro population, to make abstract freedom the basis of their argument; and it was equally wrong to take the opinions of the Legislature of Jamaica as a fair specimen of the general feeling of the colonial legislature. He could not but advert to the attempts which had been made out of doors to renew that system of agitation which was, at all events, now unnecessary—he complained of keeping up this system of agitation for no other purpose than that of exciting a movement by propagating statements which were in many cases gross misrepresentations. He did not accuse the hon. member for Weymouth of being a party to those misrepresentations, but he did accuse many of those Gentlemen who acted with him of being far too credulous in listening to statements relative to the conduct of the colonists. The evils of the apprenticeship system had been carefully insisted upon, and even exaggerated; while, on the other hand, its advantages had been as carefully withheld. That there had been a regular improvement in the condition of the negro population since the passing of the Act, was admitted on all hands; and he asked was it fair to make such partial representations? and how was it possible for those who made the admission to reconcile it with those complaints of evil?—complaint was made because of apprentices being compelled to work for eight hours per day, and this, too, at the very time when a Bill was laid on the table of that House by the right hon. the President of the Board of Trade compelling children under twelve years of age to work in factories for twelve hours a day. Now, with such a Bill before the House, did not the complaint, so generally made, with regard to the eight hours of the negro apprentice, look something like a mis-directed philanthropy?—he confessed he much feared that the appointment of a Committee would not be attended with any useful results, though the disclosures which might be made before it would be injurious as telling against the working of the system. He feared much that the course now about to be pursued would, without great caution, tend to revive old grievances and to renew old sores. He most sincerely wished that the powers and objects of the Committee were more defined and limited than was proposed, for a variety of important questions relative to the West Indies were now pending, with the settlement of which he feared the inquiry of any Committee of this House could not but interfere. More particularly he felt bound to call the attention of the House to the conduct of that class of persons who style themselves peculiarly the "abolitionists," and of whom the hon. Member for Weymouth considered himself, and justly, as the representative in that House. The Anti-Slavery Society, to whom he alluded, had, by their publications, expressly declared it as their opinion that the country ought to be satisfied with nothing less than immediate emancipation; to that they stated they were pledged, and that they considered the apprenticeship system as only putting off the date of that to which the negroes were entitled at once. Now he should like to know if those were the sentiments of the hon. Gentleman opposite. Considering that the hon. Gentleman had moved for a Committee to examine into the working of the apprenticeship system, he thought he had a right to demand from him some explanation of the course which he intended to pursue relative to that system: and whether he considered himself, as this Society stated they were, pledged to its entire abolition? Before he sat down he felt it his duty to advert to some of the publications of that Society, to show the misrepresentations, (he was willing to believe them unintentional, but their tendency was not the less injurious for that) which they often disseminated. To take one instance, he would allude to the statements condemnatory of the conduct of the stipendiary Magistrates made in the publications of the Anti-Slavery Society, whereas Lord Sligo, and all the various functionaries who knew anything of them, had highly praised those Magistrates, for the kind, impartial, and conciliatory manner in which they had performed their very difficult duties. And when it was considered that those Magistrates were a body of gentlemen who had left their country under very discouraging circumstances to discharge a difficult and delicate duty, rendered doubly so by the state of the Colonies, so unfavourable as was the general feeling with regard to the Abolition Act, at the time they went out, was it not to be lamented that such statements should be circulated to their prejudice. Again, with respect to the working of the apprenticeship system, what was the course pursued by the Society? They often published letters from individuals in the Colonies, whose names they did not even give, and of whose means of information no judgment could be formed in this country, as undoubted evidence of the injurious or inefficient tendency of that system, declaring them often also as completely borne out by official documents, which they did not quote, because they were of an opposite character. Nor was this all, for when they quoted official documents, whilst they printed those facts which praised the negroes, they omitted, it would seem studiously, the statements in favour of the overseers and managers, as well as all those statements which represented some of those unfortunate instances of sullenness on the part of the negroes which must, in some cases, unavoidably occur. Thus showing that their object was either to make the accounts wholly unfavourable to the apprenticeship system, or else to throw the whole burden of blame upon the slave-owners or the stipendiary Magistrates, and to make it appear that the negroes were uniformly the oppressed, and always the innocent parties. [The hon. Gentleman read several extracts in confirmation of this statement.] Such was the candour, such the impartiality, such the fairness of the statements which had been put forth by this society. The House had taken the power of punishment out of the hands of the masters. Of that he approved. They had sent out Magistrates depending wholly on the Crown to administer impartial justice. Of that he approved. But was it just, was it honourable in Gentlemen to send forth to the public garbled statements such as these, and making solemn adjurations in the name of God, calling upon the people of England to rise and put an end to that which they so unfairly represented as the state of things now existing in the West Indies? It was painful for him to make a charge of want of candour against any body of men, but the peace of the West Indies was the question at issue. Much had been said of the progressive disuse of the lash. That progressive disuse might in a great measure be attributed to the progressive disuse of agitation; and when he found now that an attempt was made to renew and perpetuate this system of agitation at any expense of candour and of truth, he felt it his duty earnestly and sincerely to deprecate the continuance of a system which could not but be attended with the most injurious results.

Sir *John R. Reid* said, that interested in this subject as he was, he could not but deprecate the manner in which the complaints of the anti-slavery party had been made, and he would ask why it was that they had not been brought forward openly and boldly, instead of surreptitiously? He was convinced there was no people on the face of the earth—not even the British people themselves—who enjoyed greater happiness than the negroes.

Mr. *Borthwick* defended the West-Indian planters from the charges of cruelty and oppression which were but too generally brought against them. He would most cordially support the motion for a Committee, because he thought it to be the duty of Parliament to inquire into the real truth of the matter, and see whether there was any foundation for the statements circulated through the country by the anti-slavery party, to the disadvantage and discredit of the West-Indian planters.

Motion agreed to.

Mr. Buxton postponed the nomination of the Committee until to-morrow.

BUSINESS OF THE HOUSE.] Sir *John Hobhouse* begged to ask the hon. Member for Finsbury (Mr. Wakley) not to bring forward his motion (for the repeal of the Septennial Act) in the absence of his noble Friend the Secretary of State for the Home Department, as upon it there ought to be a full and fair discussion.

Mr. *Wakley* was only one out of twenty-two Members who had notices of motion on the paper for that night; if those who were to follow him would give way, he had no objection. His motion was one of great importance, and he thought it probable, that if he proceeded, it would be carried by acclamation, at least by the hon. Members on his side of the House, seeing that its object was the repeal of the Septennial Act.

Mr. *Harvey* thought the hon. Member for Finsbury made a considerable draught upon the courtesy of the House when he expected twenty-one hon. Members would follow his example, and give up their motions. If he (Mr. Harvey) consented to withdraw his motion, it was because he could not help it. He had moved for a return of the total number of persons qualified to vote for Members of Parliament and town-councillors in each of the cities and boroughs of England, which return was ordered by the House on the 11th of February, but had not been laid on the table yet. He should therefore move that the order of the House of that date be complied with forthwith.

Mr. *F. Maule* thought the motion just made by the hon. Member for Southwark seemed intended as a censure upon His Majesty's Ministers; but he begged to assure the hon. Member that there was considerable difficulty in making up the return, consequently more time was required.

Mr. *Harvey* would not press the motion if it could be shown that due diligence had been used to get up the return.

Sir *John Hobhouse*, in reference to what had fallen from the hon. Member for Finsbury, begged hon. Members to cast their eyes down the list of notices, and he was sure they would admit that there was no business of such pressing importance as the Corporation Bill for Ireland.

Several hon. Members accordingly postponed their respective motions.

THE MAURITIUS.] Mr. *Borthwick* said, that, under any other circumstances, he should have had no hesitation to postpone his motion. Let it be remembered, however, that he had in vain essayed on several occasions to bring his motion before the House, and that he had been taunted because he was defeated by some hon. Members on the other side of the House, who took advantage of an accident of their own creation, and counted out the

House. All that he felt it his duty to the country and the House to say, he could say in half an hour, and yet that half-hour was denied him. When he found himself reproached and taunted, and treated almost with discourtesy, because he had mildly submitted, he could not see how any example, however powerful it might be, should induce him to give way. He would, however, undertake to restrain his observations within the limit he had mentioned, and he thought that would be stretching his courtesy to the utmost point.

Sir *John Hobhouse*: Then you mean to proceed with your motion?

Mr. *Borthwick*: Yes

Mr. *Wakley* rose amidst loud cries of "Order." He wished the House to remember, that when his name was called he consented to postpone his motion, but it was with the understanding that all the hon. Members who followed him should do the same, to enable the House to come to more pressing and important business. He would therefore ask whether it was fair for the hon. Member to take this course after several hon. Members had acted upon that understanding.

Mr. *Borthwick* did not consider himself a party to the proposition of the hon. Member for Finsbury. He did not feel bound to deprive himself of the opportunity of bringing this motion before the House if that hon. Member had thought proper to abandon his.

Viscount *Howick* regretted that the hon. Member for Evesham had not complied with the general wish of the House; but he feared that if he persisted in his motion, in strict order he must be allowed to proceed, though it might prevent the House from going into other very urgent business.

Sir *Robert Peel* had scarcely ever witnessed more forbearance than had been shown by the hon. Member for Evesham. He had frequently given notice of this motion, to which he attached great importance, and as he had not made himself a party to the proposition of the hon. Member for Finsbury, who had waved his right, that hon. Member ought not to have interrupted him. The hon. Member for Evesham was in possession of the House, and he would appeal to the Chair whether he had not a right to proceed with his motion.

Sir *George Grey* thought the hon. Member for Evesham should bear in mind the causes of the delay of which he complained. When he brought his motion forward, he was unsupported by the right hon. Baronet opposite and the party acting with him, for they absented themselves. The House was counted out, and the hon. Member had complained of the absence of his friends. Last night, when he had an opportunity of bringing his motion forward again, he refused to do so, but renewed his notice, and charged the Government with delaying it, by keeping the Irish Constabulary Force Bill in Committee two hours. He congratulated the hon. Member on the present full attendance on his side of the House, and the disposition which seemed to prevail there, rather to sit and hear him than to go on with the Irish Corporation Bill.

Sir *John Hobhouse* said, the hon. Gentleman had an undoubted right to proceed if he liked; but as twenty Gentlemen who had precedence of him waved their right, he thought he might also.

Mr. *Borthwick* said, he was not precluded from proceeding, on a former occasion, by the absence of the right hon. Baronet (Sir Robert Peel) or his party, but by the premeditated and tricking devices of the Government, who availed themselves of every accident to suppress his motion. To this Ministerial and unworthy manœuvering—this political jockeyship—he would not yield. The hon. Member then proceeded as follows:—" Sir, of the large sum of money which has been awarded to the late proprietors of slaves, in order that they might, under the provisions of the Abolition Act, relinquish their claim to that description of property, one tithe, or about 2,000,000*l.* has been awarded to persons claiming property in slaves in the Isle of France; and the question which I submit to the consideration of the House, is the propriety of appointing a Select Committee to inquire whether these slaves are *bonâ fide* the property of those who claimed them or not. There are two grounds, and but two, upon which I found the necessity for this inquiry: first, the state of the Registry, and, secondly, the consequent condition of the negro population in that island. In 1810, when the colony came into the possession of the British, there were returns which showed a black population of 60,000 souls, and the proportion of the different sexes was then two and a-half male to one female; and, according to these returns, it is clear from natural causes (to which I need not more particularly advert) the population ought in ten years considerably to have decreased. But we find, in 1818, the black population was 80,019, and from these returns I would put a question to those who assert that no illicit importation of slaves has taken place in the Isle of France. How do they account for this increase? In 1822 the Commissioners reported that not above 7,485 slaves could be traced to a satisfactory registry. I would ask any hon. Member whether the remainder were not entitled to immediate emancipation; and whether it is possible out of that number, with the same disproportion between the sexes which existed in 1818, to manufacture a black population of 63,000, and to legitimize the claims, in respect of that number, for the two millions awarded as compensation money to the Mauritius? In 1832, by the same Report which gives the number of 60,000 as the black population, we are informed that the returns, owing to the imperfect state of the registry, are not valid. So that, actually, we are reduced to one of these two anomalies, either that the returns on which we are called on to devote 2,000,000*l.* as compensation to the owners of slaves in the Mauritius, are invalid and not to be depended upon, or else we have to believe that in ten years, from 1822 to 1832, out of a population of 7,000 and odd, with the proportion of two and a-half male to one female, there could have been manufactured a population of upwards of 60,000. I ask if, even already, there is not a case made out for inquiry? But I pass over the arguments to be derived from these facts, and I beg to draw the attention of the House to this, that in 1811 an application was made to Sir George Murray, Governor of the Mauritius, for leave to continue the slave-trade in that island after it had been abolished in all the other British colonies. That request was indignantly refused by the then Governor; but I will read one or two extracts from despatches, to prove that it was well known the slave-trade was illicitly carried on in that colony, notwithstanding the vigorous determination on the part of the Government to put it down." The hon. Member proceeded to read extracts from despatches from Sir George Murray to the Colonial office, 1811; and one from Earl Bathurst to the then Governor of the Mauritius, 1817. "I will not weary the House by detailing the number of vessels that have been captured for engaging in an illicit traffic in slaves in that colony, but I will just observe, that it does not appear, out of the innumerable ships that were taken and confiscated, there was one owner or captain ever brought to justice, and tried for the offence, either in the colony or in this country. There is one subject, Sir, to which I beg specially to direct the attention of the House; it is a memorial addressed to Lord Glenelg by M. H. Hitié, who styles himself "the representative of the *bona fide* proprietors of slaves in the Isle of France." Sir, I am well aware that there is a wide difference between this colony and our West-Indian possessions: that coming into our hands, as it did by conquest from France, with manners, customs, habits, feelings and laws, exclusively French, it would have been impossible, at that early period, entirely to have extinguished the slave-trade; but when I find this "Representative of the *bonâ fide* proprietors of slaves in the Isle of France" hurling defiance in the face of Lord Glenelg, and of this House, if it should attempt inquiry into this subject, I do think it becomes the duty of this House to assert its own dignity, and the dignity of this country, (the hon. Member then read part of the memorial addressed by M. Hitié to Lord Glenelg). What is the language of this gentleman: "We dare you to inquire into the condition of the Negro population in the Mauritius! we admit we have illegally imported slaves into this colony, but we defy you to an investigation into the extent of our crime." Sir, when I remember the many pathetic appeals that have been made to this House upon behalf of suffering Africa in the West Indies, I must be permitted to ask why it slumbers on behalf of those Africans who are captured by the traders to the Isle of France from the eastern coast of the continent and from the Island of Madagascar? But supposing this Committee granted, and every allegation proved, respecting this colony, what is to become then, it may be asked, of the compensation money voted to it? That is not the question to be inquired into now; but I answer at once, throw it into the bosom of the Indian Ocean, rather than allow the majesty of British Justice to be bearded in her seat by those who dare her vengeance for the offences they have committed against her! I know the feeling is abroad that I am pleading in behalf of another cause. Sir, I give that impression the flattest and most direct contradiction. When the West-Indian question was first agitated, I took an active part in the discussion, but, from the moment when the matter became a government question, and was brought under the consideration of the House of Commons, I told the public that it would not be becoming in me to promote popular agitation on any question under parliamentary investigation, and from that hour to this I have had no communication, direct or indirect, with the West-Indian body, and I believe, there are Gentlemen on the other side who can bear out my assertions. I bring forward the question only because I think the House owes it to itself to let the country know upon what grounds the compensation money to the Mauritius is granted, and in what way it is to be distributed. If it is the intention of the Government, (as I understand the hon. Baronet, the Under Secretary for the Colonies to move for certain returns as an amendment to my motion) to produce returns amply and fully enough to satisfy the House and the public upon this question, and in what way the money is to be applied, I for one should be quite satisfied; till I know that such is their intention I must say I consider I have made out grounds sufficient for a Committee; and I hope, therefore, the hon. Baronet will meet this question fairly and openly, and give the House an account of the policy which they intend to pursue. I move, Sir, for a Select Committee to inquire into the state of the negro population in the Mauritius, as it affects the claims of that colony to compensation."

Sir *George Grey;* Sir, the hon. Member has called upon me to state distinctly the policy which the Government means to pursue with regard to the Mauritius. I answer, the only policy which they can pursue, viz., to carry out faithfully and effectually the provisions of the Abolition Act: That Act providing how the compensation should be paid, through machinery which it also creates. The hon. Member had asked why the mercy and the justice which pleaded so powerfully for injured Africa in the West Indies should have slumbered with respect to the Mauritius? Sir, I deny that they have so slumbered, and if he had been in the House at the time this Act was passed, or had he taken the trouble to look through that Act before he brought forward this motion, he would have discovered that the very case he alludes to was brought forward at that time by the hon. and learned Member for the Tower Hamlets; and that the 46th clause was introduced into the Act for the express purpose of meeting that case. I will shortly state the machinery which the Act provides. There are Commissioners to be appointed who are to appoint Assistant-Commissioners in all the colonies; these are to hear claims and to examine evidence if opposed; but are not enabled to make any final adjudication. By the 38th clause the Commissioners in London having had the evidence taken before the Assistant-Commissioners on disputed claims transmitted to them, are to adjudicate upon them: their decision being liable to an appeal to the King in Council, whose decision is final. Now by the 46th clause it is enacted that, in respect of slaves illegally detained or imported, no compensation money should be granted; but that the money in respect of them should be applied to the liquidation of the general expenses of the Commission in the colony. There has not yet been one claim before the head Commissioner in London, though innumerable claims of course have been made before the Assistant-Commissioners at the Mauritius; and as it will be at least ten months before any claim can be decided upon, the hon. Member will be perfectly at liberty and will have plenty of time for preparing himself to go in before the Commissioner and offer evidence against any claims that he or any other person may know to be illegal. With respect to the registry, all the evidence upon that subject received either by Lord Aberdeen or Lord Glenelg has been transmitted to the Compensation Commissioners in London, that they may be able to form a judgment on the whole facts of the case. With respect to the personal condition of the negroes illegally detained in slavery, the colonial office has ordered a case to be laid before my hon. and learned friends, the Attorney and Solicitor-general. and, acting upon their opinion, have sent out despatches to the Governor of the Mauritius, informing him that such negroes were entitled to immediate emancipation; and I propose to move as an amendment to the motion of the hon. Gentleman, that those despatches be laid before the House, together with other papers which will, I think, contain all the information necessary for the House to be possessed of on this subject. I beg to move, an address to his Majesty for copies or extracts of all documents, or correspondence between the Governors of the Mauritius and the Secretary of State for the Colonies since 1828, relating to the illegal detention of slaves.

The original motion was withdrawn, and the amendment was agreed to.

MUNICIPAL REFORM (IRELAND).] The House resolved itself into a Committee on the Municipal Reform Bill for Ireland.

On the 83rd Clause—Town-council to have power to make bye-laws.

Mr. *Shaw* would merely point out that this and the two following clauses contained one of the most objectionable principles of the present measure, and though the English Act had the same provision, the objection rested on the essential difference between the state of society in the two countries. The effect of these clauses in Ireland would be to vest in the hands of a domineering faction, such as would constitute the town-councils generally under the Bill, the power at their will and pleasure to make bye-laws, and to impose penalties upon, and mulct in pecuniary fines, the party opposed to them in politics; and who, while over-borne by mere numerical strength, would prevent the strongest temptation, in point of wealth and station, to the unjust and arbitrary exercise of such a power.

Mr. *O'Loghlen* saw nothing in the state of society in Ireland to warrant him in departing from the principle laid down in the English Bill.

The Clause was agreed to.

On Clause 88,

Mr. *Jephson* objected to the mode of assessment proposed by the Bill, and thought it most unfair to apply the principle of the 9th George 4th, to this measure. If the 9th George 4th had never been passed, the Attorney-General could scarcely have ventured to introduce such a principle into the Corporate Reform Bill at present. The learned Gentleman professed to take the English Bill as the basis of this measure, but in England a totally different mode of assessment was resorted to. Suppose the town-council in an Irish borough were to make a very high valuation, there was no appeal from that valuation except to the town-council itself. This surely was too absurd. What he (Mr. Jephson) proposed was, that property should be liable to assessment according to its value, and not by the ascending scale, 9th George 4th.

Sir *Robert Peel* imagined, the clause as it stood would subject the borough to a borough rate, and also to a Grand Jury assessment.

Mr. *O'Loghlen* said, it was not intended by the present Bill to interfere with the 9th George 4th. As to the *5l.* householders having great sway in the borough, when the schedules came to be discussed he would undertake to show that they would not possess any such preponderating influence. He had never heard that the borough had been improperly rated under the 9th George 4th, notwithstanding the existence of the *5l.* franchise. The Grand Jury assessment was acreable, and therefore he thought that it could scarcely be felt by the inhabitant of the borough.

Sir *Robert Peel* said, the objection was not so much to the amount of the assessment as the vexation attendant upon two assessments.

Mr. *Shaw* said, that the words in the 86th clause, "other municipal expenses." might bear a very large signification; and by the effect of the 88th clause, the borough rate might be levied for all "the purposes aforesaid," so that these "other municipal expenses" were among such "purposes" and left it in the discretion of the town-council to levy a rate to an almost unlimited extent. He (Mr. Shaw) would also observe, that the appeal which the corresponding clause in the English Act gave from the town-council with respect to the borough rate, was omitted from this clause.

Mr. *O'Loghlen* said, that the appeal was omitted because there was a reference to the 9th George 4th, which gave an appeal. But if the right hon. Gentleman did not think that sufficient, he (Mr. O'Loghlen) would introduce an amendment in the Report.

Mr. *Lefroy* said, that the double assessment, when 9th George 4th was in operation, was the cause of much complaint The road assessment was the one most complained of. With respect to the 9th George 4th, if it worked well at present, it was because it was unconnected with politics, and confined to the mere business of paving, lighting, and cleansing the borough; but the present Bill would introduce all sorts of political subjects with discussion, and exclude real business.

Mr. *Randall Plunkett* said, from the borough he represented a petition had been forwarded to the House complaining of the excessive taxation of the county of the town for Grand Jury rates and assessments. The situation of petitioners was very serious, as they had to pay, as a county, Grand Jury assessments, and also borough rates. The corporation had done all they could to alleviate their burdens, by applying a portion of the surplus revenue arising from the only fund they hold in trust, properly speaking, the tolls, namely, to assist in the diminution of the pressure of county cess. They were justified in this application of the surplus by the opinion of the late Lord Chancellor, Sir Anthony Hart. It would be most desirable on many accounts that the provisions of the 9th George 4th could be applied in Drogheda; and perhaps one of the best reasons for desiring its application in that town was, that it gives no political ascendancy to any party conferring only municipal and not political power and privileges.

Mr. *Wyse* objected to the clashing there would be between the Grand Jury presentment and the borough rate, and instanced the case of the city of Waterford, in proof of his argument.

Mr. *Goulburn* objected to the heavy expense that this power of rating would cast upon a borough where no corporate property existed. He wished to know how the salaries of the mayor and other corporate officers were to be provided, where there was no corporate property, and asked whether a rate was to be levied for the purpose?

Mr. *O'Loghlen* did not think that a high salary, or any salary at all, in many instances, would be necessary for the corporate officers.

Mr *Lefroy* said, that in seventeen of these boroughs there was no corporate property whatever; and how, he would ask, were the expenses to be provided in such cases?

Sir *Robert Peel* said, there was a clear distinction between a borough rate and a borough fund. He would call upon hon. Gentlemen who had local interests to protect to look well to this difference. The 86th clause provided that in case the borough fund should be more than sufficient, the surplus should be applied for the public benefit of the inhabitants. To this he did not object so far as by the borough fund was to be understood corporate property, but then the last words of the 88th clause provided that all sums levied in pursuance of such borough rate should be paid over to the account of the borough fund; so that the rate would go to the making up of the borough fund as well as the corporate property. This clearly could not have been intended, and ought to be provided against.

The clause was agreed to.

On Clause 97,

Mr. *William S. OBrien* said this clause referred to collusive sales of corporate property. He wished to know whether such sales as that which took place in Cashel were to be confirmed by any part of this Bill?

Mr. *O'Loghlen* said, certainly not. He intended to propose an amendment to the clause, to the effect that the validity of the sale should be liable to question by the town council of the borough as fully as if this Bill had never passed.

Mr. *Shaw* said, if the object of the amendment was, that the present Bill should leave the law as it found it, without in any degree affecting the rights of parties as they now stood at law, he could not object to it.

Colonel *Dawson Damer* declared that Portarlington, the borough he had the honour to represent, having been harshly, and he thought unjustly, treated in the Report of the Commissioners, which report was commented upon and urged as authority by the learned Gentleman the Attorney-General for Ireland, he begged distinctly to declare, in the name of his noble relation, as well as in that of the corporation of the borough he had the honour to represent, that they did not shrink from any inquiry, and were desirous every investigation respecting the sales and leases of property alluded to in the report of the commissioners should take place, although the clause in question would not have a retrospective effect.

The clause 97 was then agreed to.

On Clause 102.

Mr. *O'Loghlen* proposed an amendment to the effect that for the future the divisional justices of police of the city of Dublin, under the 48th George 3d. cap. 140, should be appointed by the Lord Lieutenant instead of by the new town-council.

Mr. *Shaw* thought this an improvement in principle, but it must be admitted, that in this, as in many other instances under the Bill, his side of the House, in choosing the lesser of two evils, had consented to throw a great accession of patronage into the hands of his Majesty's Government.

Mr. *Randall Punkett* begged to be allowed to suggest upon this clause, which contained an especial "provision" on behalf of Dublin, an alteration having reference, he admitted, principally to Drogheda, but so framed as to be applicable to any borough similarly situated. If he was asked why he did not bring it on before, he could only say that a very severe illness prevented his attendance. If he could not move it now he would give notice of the resolution, as an amendment, to be introduced on bringing up the report. His object was to continue the duties of those boards which now existed though the members of them were not liable to the borough tax. He admitted that the instance he should adduce in support of this amendment, was drawn from Drogheda, but was a very strong case. The board of Boyne commissioners in that town was one of great importance, not only to Drogheda, but to the great agricultural county of Meath, and other neighbouring districts which send their exports from Drogheda; its members might be considered as eleven and thirteen. There were of these, six who hold their seats at the board, *quoad* aldermen. Now, by the operation of the new Bill, they were most likely to lose their seats at the board, because they were very unlikely to be elected as aldermen; and, besides, some did not occupy, although they possessed, large warehouses, &c., in the town. Now, it was manifestly most unjust that those persons, who were possessed of by far the most considerable proportion of the property of the shipping and commercial interests of Drogheda, should be supervised and governed by persons having, probably, no such property at all. He should say more upon proposing his amendment, if it was objected to.

Clause agreed to.

The remaining clauses were agreed to and the House resumed.

HOUSE OF COMMONS,

Wednesday, March 23, 1836.

MINUTES.] Bills. Read a second time:—Election Expenses; Roman Catholic Marriages; Civil Bill Courts' (Ireland).—Read a third time:—Annual Indemnity.

Petitions presented. By Sir EDWARD KNATCHBULL, from Smeirden (Kent), for a Commutation of Tithes.—By Mr. F. FRENCH, from Roscommon, against the Glass Duties. —By Mr. ROBERT WALLACE, from Johnstone, Wigan, and Swansea, for the Repeal of the Stamp Duties on Newspapers.—By Mr. F. FRENCH, from several Places, for Measures to improve the Navigation of the River Shannon. —By Mr. M'KINNON, from several Individuals, for Means to Moderate the Expenses on taking out Patents.—By Mr. DUGDALE, from Birmingham, for Poor-Laws to Ireland; from Coventry, in favour of a Clause in the Municipal Corporations' Act Amendment Bill.—By Mr. SCHOLEFIELD, from Birmingham, against Slave Apprenticeship.—By Mr. BARLOW HOY, from the Fly Owners of Southampton, against the Tax on their Drivers; also from a Benefit Society, for Amending the Laws concerning Friendly Societies.

CHAIRMAN'S VOTE IN COMMITTEE.—TRINITY HARBOUR.] Sir *Andrew Leith Hay* said, he had to bring under the consideration of the House a circumstance, which, it appeared to him, required to be immediately adjudicated, more especially in a session where so much private business was before the House. He alluded to the division that had taken place to-day in a private Committee on the Trinity Harbour Bill. Counsel having been heard on the question of adjournment, the Committee came to a division. He (Sir A. L. Hay) having been chairman of that Committee, appointed tellers on each side, and then having quitted the chair, he had voted against the adjournment of the Committee. On the tellers having taken the numbers, there were found to be five on each side, including himself (Col. Leith Hay). He then considered that he had a right to give a casting vote as chairman, but was informed that he had no right to do so. The authority of Sherwin and another was in favour of that opinion, that the chairman could give a casting vote as well as his individual vote. The House would agree with him that that was a question which ought to be decided, and the practice, when once established, should be strictly adhered to. It was the duty of the House to decide what the course should be on all other occasions, instead of allowing the Committees in each session to make regulations which would be overruled in the next. If it had been merely a private bill, and that the adjournment did not interfere with the object of the projectors, he should not have pressed the matter further, but would have allowed it to rest there. But it appeared to him to have a very different construction. The question submitted to the House was discussed in the Committee, and involved an adjournment of at least eight weeks, as it extended to the 16th of May—one party wishing to wait until they had the decision of one of the courts in Scotland. The question he had to submit to the House was, had the Committee a right, from the usage of the House, or the practice of private Committees, to have an adjournment for such a length of time? He found by referring to the Reports, that, in the session of 1805, in the case of the Committee on the Camberwell and South Lambeth Water-works' Bill, they adjourned for a considerable time, and were ordered by the House to meet again and proceed. Again, in the session 1825, in the case of the Bucks and Herts Canal, the Committee also adjourned, and were ordered to re-assemble; and in 1835, in the case of the Medway Navigation, the Committee there adjourned *sine die*, and were ordered to meet again and proceed with the business referred to them. He, under those circumstances, had to move that the Committee on the Trinity Harbour Bill be instructed to re-assemble, and proceed with the consideration of the Bill.

Sir *George Clerk* wished to say a word upon the question, as he was one of those Members who had been upon the Committee, and had taken a different view of the question from the hon. and gallant Member. He was surprised at the existence of any doubt on the subject, for he had never heard the right of a chairman to a second vote put forward before. There were other opinions of equal weight with those of Mr. Sherwin—there was the opinion of Mr. Dwarris, who said the chairman of a Committee was placed in the same situation as the Speaker of the House. In the case of Election Committees, where the Members sat as a jury, the power was expressly given to the chairman to give a casting vote in the absence of a Member, and the votes being equal. Now, if the general law had been such as laid down by Mr. Sherwin, it would be perfectly unnecessary to introduce such a clause; but, according to the opinion of all other writers on this subject, the Chairman of the Committee was precisely in the same situation as the Speaker. He begged leave to state, that in the early period of the History of Parliament a doubt existed as to the right of the Speaker to give two votes, for he found in 1601, upon a division, the number being, noes 106, ayes 105; the ayes knowing which way the Speaker's mind leaned, called upon him for his casting vote. Upon this being objected to, the ayes said that they had, by the Queen's pleasure, been allowed to elect a Speaker, and that he had the right to give the casting vote; the Speaker and Sir Walter Raleigh were of opinion that he could not do so. With regard to the other question as to expense, he thought that great expense would be spared by adjourning to the time the Committee had done. He trusted, therefore, that the House would rest satisfied with the decision of the Committee.

Mr. *Thomas Duncombe* thought that that which had been referred to by the hon. Baronet was very much in favour of the decision of the Committee. The Chairman of a Committee, by Act of Parliament, had a right conferred on him to give a casting vote. In the Glasgow election that had been done. The noble Lord, the Chairman, then voted as an individual Member of the Committee, and the parties being then equal, he gave his casting vote in favour of the sitting Member. There were two points before the House: viz. whether Sir A. L. Hay had a right to give two votes; and, supposing that to be decided against him, whether the Committee had a right to adjourn to the 16th of May? He thought that the better way would be to decide first as to the power of the Chairman to give two votes; as, if he had that power, the other question would not arise.

Sir *Charles Burrell* said, that the simple question was, who was to take the votes if the chairman left the chair? He had never known the chairman to leave the chair for the purpose of voting, except when the parties were upon an equality. He thought that, under all the circumstances, they could not take a better example than that by which the Speaker was guided in the divisions in that House.

Sir *James Graham*, though his experience was not so great as that of many members whom he saw present, could confidently state, that during the period he had sat in that House, eighteen years, he had never seen a chairman leave the chair for the purpose of giving his vote. It was very desirable that, as the hon. Member for Finsbury recommended, they should decide these points separately. It was very desirable, in the first place, to settle the point of practice. As the hon. Member for Surrey had sat so very long in that House, and had very great experience in Committees, he would appeal to him to state what the practice had been.

Mr. *Denison* concurred in the observations which had fallen from the right hon. Baronet opposite, and as he had been appealed to by him, he did not hesitate in stating, that he did not recollect an instance where the chairman left the chair for the purpose of voting, and he considered that the only case in which he had a casting vote was where the numbers on both sides were equal. That was the custom which he had always seen observed.

Sir *Andrew Leith Hay* trusted that the Speaker would, in the first instance, give his opinion as to the point of practice, and he would then submit his motion for the Committee to re-assemble.

The *Speaker:* In this case there are conflicting authorities, and there is also, as I am informed, conflicting practice. The gallant Officer, the Member for Elgin, has cited two authorities, the one that of Mr. Sherwin, and the other, anonymous. On the other side, the authority of Mr. Dwarris has been cited by the hon. Member for Mid-Lothian, and also an anonymous writer, who takes the same view of the question. In number, therefore, the authorities are equal. But I confess that I do not attach any great weight to these authorities, because they do not rest their opinions on any rule or principle that can be adopted as a guide. The only safe and intelligible principle, as it appears to me, is, that Committees should be regarded as portions of the House, limited in their inquiries by the extent of the authority that is given to them; but governed in their proceedings by the same rules which prevail either in the House or in Committees of the whole House. This is the opinion which I have always given when I have been referred to by Members, and I believe that any other course would lead to a variable and uncertain practice. The rules by which the House and Committees of the whole House proceed are known, and an adherence to them leads to uniform practice. There is, I believe, no doubt that there has been conflicting practice, in this matter, in different Committees, and that has probably arisen from the opinion expressed by Mr. Sherwin. It is, therefore, most expedient that the future practice of Committees should be regulated by the opinion and authority of the House. For the reasons which I have stated, I am of opinion that the rules followed in the House, or Committees of the whole House, ought to regulate the practice in Select Committees, whether sitting on public or private business. The reason and justice of the case are also in favour of holding that a Chairman ought not to vote except when the voices are equal. A Chairman generally acquires some influence and authority in a Committee in which he presides, and if in addition to that he is to have always one, and occasionally two votes, he is invested, especially in small Committees, with undue power. There are other circumstances connected with the station and duties of Chairman which equally favour this view, but it is not necessary to dwell on them in a case which appears to be so plain.

The question was afterwards put, on the Motion that the Committee do re-assemble which was agreed to, and the Committee ordered to assemble on the following day.

CARLOW LANDLORDS.] Mr. *Wallace* presented the following Petitions from 350 individuals, the tenants of the hon. and gallant Member for the county of Carlow:

"PETITION OF TENANTS OF COL. HENRY BRUEN RELATING TO THE COUNTY OF CARLOW ELECTION."

"A Petition of tenants of Col. Henry Bruen resident in the county of Carlow, was presented and read; setting forth, that the Petitioners are informed, and believe, that a petition on behalf of Nicholas A. Vigors, Esq., containing certain allegations against the character of Col. Bruen as a landlord, has been presented to the House; that Petitioners are the tenants and neighbours of Col. Bruen during many years, and having a perfect knowledge of all his official acts, both as a landlord and a resident country gentleman, they respectfully but earnestly state that the charges set forth in the said Petition of N. A. Vigors, Esq., are unfounded, and they express their deep regret that charges so groundless and unwarrantable could be set before the House so indiscreetly by said N. A. Vigors, calculated to hold forth an amiable and indulgent landlord to the indignation of the lower classes of society, who are necessarily unacquainted with the truth or fallacy of the allegations in the said petition; that petitioners take this public opportunity of testifying before the assembled representatives of the nation their deep gratitude to Colonel Bruen, not only as an indulgent landlord, but as a gentleman, whose charities for years have been unbounded; that petitioners feel themselves called upon to state to the House that Col. Bruen never exerts his authority to eject his tenants, unless where large arrears accumulate from negligence and want of industry, and even then his humanity is equally conspicuous as his indulgence, for he permits them to remove their stock and the produce of their farms, forgiving rent and arrears, and in many cases has granted annuities for life to persons ejected under such circumstances; that petitioners believe the list of grievances set forth in the petition of N. A. Vigors to be wholly unfounded,—one solitary instance they respectfully hope will suffice to show the general character of the charges of the said petitioner. Colonel Bruen obtains the credit of ejecting from the lands of Ballytarsna, 'nineteen families, consisting of 104 individuals, including twenty-one widows and orphans;' now, the facts that should have been stated to the House are, that a Mr. Mills is the intermediate landlord of the said tenantry, and that, if a few families were ejected several years ago by him, Col. Bruen had not, directly or indirectly, any power or authority over said property, being only the head landlord, and paid only a nominal rent by Mr. Mills; that the petitioners having stated thus fairly and honestly their opinions on this extraordinary case, leave with confidence the consideration of the matter to the House, satisfied that such measures will be adopted in vindication of Colonel Bruen's character as the House shall deem wise and expedient; the petitioners submit to the House that such accusations were put forward by the said N. A. Vigors, in order to impress the House with the idea that Colonel Bruen has made use of intimidation towards his tenantry to induce them to support him as candidate for the said county of Carlow, which the petitioners are fully prepared to contradict before a Committee of the House; that petitioners further beg to state that they are prepared to show that gross intimidation has been used in numerous instances at and previous to each election since the year 1831, when Sir J. M. Doyle and Mr. Blackney were returned, in order to prevent the tenantry of Colonel Bruen and Mr. Kavanagh from supporting them, which they were most anxious to do, and the petitioners pray the House will afford an opportunity of fully investigating all matters relating thereto, before a Committee of the House."

It was impossible that any language more satisfactory to the feeling of the hon. and gallant Member could be used, than that contained in this petition. He must guard himself against vouching for the accuracy of the statements contained in this petition, inasmuch as he had no means of ascertaining how far those statements were or were not correct. He meant to propose that this and two other similar petitions which he was about to present should be printed and circulated with the votes, in the same way as the previous petitions had been circulated. He begged also to observe, that until both sides of the question had been thus sent forth to hon. Members, he should not press his motion for an inquiry. The next petition with which he was charged was from John Alexander, Esq., of the county of Carlow, against whom petitions had been presented, impugning his conduct with reference to his tenantry. The petition was to the following effect:—

PETITION OF JOHN ALEXANDER RELATING TO THE COUNTY OF CARLOW ELECTION.

"A Petition of John Alexander, of Milford, in the county of Carlow, was presented, and read; setting forth, that the petitioner has read with great astonishment in the public papers a petition presented to the House by the hon. Member for Greenock, accusing the petitioner of having used harassing and ruinous measures wantonly as a landlord towards his tenants, and committed acts meriting the reprehension of the country at large; that the petitioner humbly but earnestly prays for public inquiry into the particulars of these statements, as he is anxious of having an opportunity of refuting such calumnies against his character; at the present the petitioner, unwilling to intrude on the House, except as far as necessary for the vindication of his character, humbly declines entering into any detail further than to state in reply to that part of the petition which accuses the petitioner of having ruined his tenantry by vexatious modes of litigation; that he was forced to recover, by legal proceedings, the tithe for which he had become liable under Lord Stanley's Bill, and which his tenantry had declared three several times most positively that they never would pay, although not demanded by the petitioner till upwards of four months from the day it became due; the amount of the costs returned by the petitioners' law agent was 2*l.* 15*s.* which, the petitioner thinking too high, actually remitted 1*l.* in each case, leaving only the sum of 1*l.* 15*s.* to be paid by each as law cost; this is the total amount of their expenses which have been stated to the House as ruinous; the petitioner begs humbly to remind the House that the farms leased by him to the persons whose names were affixed to the petition against him, were declared on oath before the Committee of the House in August last, on the Carlow petition, by three several witnesses (respectable in appearance) to be worth one-half more than the rents for which the petitioner leased them, and in several instances more than double the rent, though the leases are but five years in being; the petitioner, therefore, considers himself most fully justified in enforcing the payments of his just and moderate rights, which his tenantry most directly and most distinctly refused to pay three different times; the petitioner never acted as his own bailiff, nor never served his tenantry with any law process or law paper whatever; the petitioner prays humbly for strict and immediate investigation into all the circumstances of the case."

He (Mr. Wallace) believed Mr. Alexander to be a gentleman of the highest respectability, and much beloved and esteemed in his neighbourhood. He then presented a petition from an English gentleman resident in Carlow, of the name of Woodcock, complaining of what he considered the tyrannical conduct of Colonel Bruen towards his tenants. On the motion that this petition be brought up,

Colonel *Bruen* said, he scarcely felt himself called upon to make any reply to the statements contained in the petition from Mr. Woodcock. As, however, that gentleman was an old acquaintance, he would say a few words, more for the sake of letting the House know who the petitioner was, than by way of entering into any explanation of the reasons why he (Colonel Bruen) had chosen to ask a tenant for his rent, or making any apology for so doing. He would, however, first just mention that the annual rent payable by the tenant whom Mr. Woodcock had taken under his protection was 83*l.* 12*s.*, and arrears were now due by him to the amount of 185*l.* 19*s.* The petitioner stated, that promises were made to the tenants in debt to their landlords (a pretty numerous body), though with the greatest caution, that their arrears should be forgiven if they voted for the Tory candidates. Now, all he (Colonel Bruen) could say on this point was, that so extreme were the caution, prudence, and circumspection used in communicating this secret to such Members, that he for one never heard of it before—and if he had been intrusted with the secret, assuredly he would not have been a party to the agreement. If he were disposed to speculate in a matter that had since been found so safe and easy, and not unlawful, he certainly could have obtained votes on better terms. This Mr. Woodcock was, as he had already said, an old friend of his—he was one of the very few persons that in the course of his life he had been obliged to prosecute for poaching—and to this circumstance, no doubt, was he (Colonel Bruen) indebted for the honour now conferred on him by the allegations set forth in this petition. He had heard that this Mr. Woodcock was on the half-pay of some dragoon regiment, and if unceasingly inflaming the bad passions of the multitude, haranguing and urging them on to violation of the law, heading tithe and election mobs, and keeping a remote and extensive district for years in a state of terror and disturbance, were services in which those receiving half-pay should be employed, no person earned it better than Mr. Woodcock. With respect to Mr. Alexander's petition, it was unnecessary for him to say much; indeed, he would only refer to a single point. Mr. Alexander complained of having been accused of ruining his tenantry by vexatious litigation. The facts were these—he became responsible for the tithe—he let his land accordingly, reducing his rent in proportion, and so had given full value for the tithe to the tenants. They, of course, thankfully undertook the payment of a very moderate rent. However, they were prevailed upon, or obliged, after a time to refuse. Mr. Alexander, after repeated friendly applications on his part, and resolute refusals on theirs, and after waiting for months, at length was obliged to institute legal proceedings. Even then, his kindness and goodnature were conspicuous; for after all this he prevailed upon them to go in a body to Carlow during the quarter sessions, and take the advice of a counsel professing very liberal opinions. The consequence was, that they returned satisfied of the folly and illegality of their conduct, and paid his demand. Mr. Alexander forthwith stopped the legal proceedings, and finding that each had incurred costs to the amount of 2*l.* 15*s.* he came forward and paid out of his own pocket nearly one-half for each. For this most uncalled-for, and it would seem, ill-judged act of generosity, these very tenants now assailed him as a tyrannical landlord. In conclusion, he begged publicly to express his thanks to the numerous petitioners who had come forward to relieve him from the unjust attacks by which his character had been assailed.

Mr. *Hardy* was desirous of taking this occasion to explain some part of the conduct he had pursued on a late occasion. He had then been pointedly alluded to by the hon. Member for Dublin; and he should have replied at the time, but for the retirement of that hon. Member from the House. The hon. Member had complained of an assertion made by him, viz.—that the hon. Member had received a copy of the petition from Bath before it was in his hands. He had been informed that such was the fact. He had letters to prove that a printed copy of the petition from Bath was sent to the hon. Member for Dublin; and if he had not received it, it was at this moment in the dead-letter office. The hon. Member had also remarked, that it was extraordinary that he had brought forward the case, as they had formerly met in the Temple. He remembered meeting the hon. Member in the Temple; but he did not remember that they had ever been at the chambers of each other.

Mr. *Warburton* spoke to order; submitting that this course was inconsistent with the rules of debate.

The *Speaker* decided, that any reply to what had been said in a former debate was undoubtedly irregular.

Mr. *Hardy* urged that he was only pursuing a course due in justice to himself. He had understood that he was to be afforded an opportunity of explaining certain matters with which he had been charged. The hon Member for Dublin had accused him of having been guilty of bribery at Pontefract. He could only say—

Mr. Warburton again interposed.

Mr. *Hardy* could only say in explanation of his conduct that he had lost his election.

Sir J. Wrottesley spoke to order.

Mr. Hardy rose, but could not proceed on account of the cries of *Chair!* and *Order*.

The *Speaker* again decided that the course the hon. Member was pursuing was irregular, although the House might grant him the indulgence of being heard.

Mr. *Hardy* hoped, then, that the House would grant him the indulgence.

Mr. *Methuen* complained of this delay of public business.

Colonel *Perceval* thought the character of an individual Member a paramount subject. It might be irregular to refer to former debates, but he had never known the House refuse to a Member who had been attacked an opportunity of explanation. The hon. Member for Bradford would have vindicated himself on the former night had not the hon. Member for Dublin retired. He only claimed for the hon. Member for Bradford the usual courtesy.

Mr. *O'Connell*: When the hon Member claims courtesy, he should take care that he shews it himself. I did not retire to prevent the hon. Member for Bradford from making a speech, but I withdrew at the suggestion of the Speaker.

Mr. *Hardy* rose amid cries of *Chair*, *Order*, and *Hear*. He was prepared to meet the hon. Member for Dublin at any time. With regard to the Pontefract election, he hoped that the hon. Member's veracious and sapient informant had also told him that he Mr. Hardy lost his return because he was the advocate of Catholic Emancipation. He hoped that the informant had also stated—[the hon. Member was inaudible from the interruption. Considerable confusion ensued, which lasted some time.] The hon. Member then stated he had understood not only from the other side of the House, but from the lips of the Speaker, that the fit time for him to vindicate himself would be when certain petitions were presented, and for that reason on the former night he had sat down waiting for this evening.

The *Speaker* agreed that he had told the hon. Member that he could revert to the subject when the subject was again introduced. The subject would again be introduced, and then the proper time would have arrived, and not on the presentation of a petition.

Mr. *Hardy* was perfectly satisfied.

Mr. *O'Connell* said, that he did not mean to allude to what had fallen from the hon. Member for Bradford [*Cries of Spoke.*] When he before rose, he had only spoken to order, and not to the question of printing the petitions now before the House. He did not mean to oppose the printing of them, on the contrary, he had himself several to lay before the House, which he hoped would also be printed. He did not think it worth while to complain —he merely noticed that the hon. and gallant Member, in defending himself, had had the presumption (so he thought he might best call it) to introduce an allusion to him. The hon. Member had not yet been tried—he had not challenged investigation, or said one word to show that he wished for a committee to inquire. The hon. Member had not imitated his conduct—he had not dared the production of evidence, and yet, after the committee had made its report, he had presumed to throw out insinuations against him. The motive was obvious, *hæret lateri lethalis arundo*. Some of the hon. Member's tenants had voted against him, but none of Mr. Kavanagh's tenants had voted against him. What was the reason? Mr. Kavanagh was an excellent landlord; his tenants, Catholic as well as Protestant, supported him; but a number of the hon. and gallant Member's tenants had voted against him. He would pledge himself to no facts; but this he would say, that he was in possession of documents which, if verified, would establish a case of the grossest cruelty against the hon. and gallant Member. But he and his friends were wiser than to court inquiry; they would shrink from it. If the hon. and gallant Member had, indeed, so complete a vindication, no man would more rejoice at it than he would. Yes, he should rejoice at such a vindication. He perceived the sneer on hon. Members' countenances, but it afforded only one more proof how people judged of others by themselves. He had always treated the gallant officer, and even his prejudices, with respect; he would do so still; and, he repeated, that no man would rejoice more at the establishment of a complete vindication. If it were a calumny, let it be defeated and exposed, and the calumniators punished to the utmost extent of the power of the House. All he said was, that the petitions contained allegations which demanded inquiry. He wanted to know if the hon. and gallant Member had not let his lands at war rents, and, giving no receipts, if any of his tenants voted against him, did he not call upon them for arrears of those war rents? He had no right to call for payment of those nominal rents because the tenant exercised his franchise as his conscience dictated. He did not assert that the allegations were true, but that their truth ought to be investigated.

Colonel *Bruen* could not help adverting to the manner in which the rules of the House were disregarded by the hon. and learned Gentleman, while, at the same time, he complained of others being disorderly. It appeared, then, that the hon. and learned Gentleman might get up and make attacks on the character of Gentlemen on his (Colonel Bruen's) side of the House, and when they rose to vindicate themselves from the aspersions cast upon them, they were interrupted by Gentlemen opposite.

The *Speaker*: The hon. and gallant Member has already spoken on the question that the Petition do lie on the Table.

Colonel *Bruen* again repeated that the rules of the House had been sacrificed by the learned Member in the attacks made by him. Was it impartial justice, then, that a person should be interrupted when he got up to defend himself? [*cries of spoke.*] He defied the threats held out by the hon. and learned Member, and was fully prepared to vindicate his conduct, and was anxious that the subject should be brought forward. He had repeatedly urged the hon. Member for Greenock to bring forward a Motion on the subject, and could not help complaining that that hon. Gentleman had inserted his notice of motion at the bottom of the list, instead of getting it placed at the top, as it should be, involving as it did, serious charges against the character of a Member of the House. He had no hesitation in saying that there was no wish whatever to bring the subject forward. He challenged them to do so, but he believed that they had no wish to do so. He defied the hon. and learned Gentleman to the proof of the assertions he had made against him.

The *Speaker:* The hon. and gallant Member is clearly out of order, as he has already spoken on the motion before the House.

The petition was laid on the table.

On the question that it be printed,

Colonel *Bruen* said, that he apprehended that he was in order in making an observation on that point. He would then tell the hon. and learned Member that the statements made respecting him were without foundation. These were only a number of old stories which had often been brought forward during the last four or five years, and had repeatedly been shown to be groundless. He had no hesitation in saying that the story about his persecuting his tenants in consequence of their voting against him was totally false. The hon. and learned Member had alluded to his hon. Colleague (Mr. Kavanagh) as being a good landlord, and the consequence was, that he was supported by the whole of his tenantry; but that was not the case with him. He admitted that his hon. Friend was deservedly respected as a good landlord; but it was notorious that many more of his hon. Friend's tenants voted against him than his (Col. Bruen's) tenant's voted against him.

Mr. *Wallace* wished to assure the hon. and gallant Member, that he had not brought forward the motion of which he had given notice, because he had no opportunity of doing so; but he would arrange with the hon. Gentleman, in the course of the evening, to fix on the first convenient day.

Petition to be printed.

MUNICIPAL REFORM (IRELAND).] The House resolved itself into Committee on the Municipal Corporations Ireland Bill. Schedules A and B were agreed to.

On Schedule C—Mr. *Shaw* said, that he should be very glad to know the principle upon which this Schedule was formed? As to Schedules A and B, the first (A) was composed of places containing above 20,000 souls—and B, of those above 15,000; but with regard to Schedule C, it was impossible to discover any principle upon which it was drawn up. [Viscount *Morpeth*: the principle was to preserve all boroughs that had existing Corporations.] Then that principle had not been followed; for, from the list in the Commissioners' Report answering that description, which amounted to sixty in number, eight boroughs had been omitted, and two had been inserted which were not to be found in that list.

On the question that Midleton stand part of the schedule, Viscount *Morpeth* moved that Midleton be omitted.

Mr. *Shaw* could not understand why Midleton should be omitted if Belturbet were to be kept, inasmuch as they appeared in the same list in the Report, but Midleton was above Belturbet.

Viscount *Morpeth* said, that although the population was not so large, they were in the possession of property to the amount in value of 200*l.*

Mr. *Shaw* said, that the Commissioners reported but 9*l.* per annum, but that clearly property was not the principle upon which these places had been selected.

Mr. *John Young* stated, that the Corporation of Belturbet was practically extinct. The late provost had died more than a year ago; but since, the Report of the Commissioners had been drawn up, and so many of the forms had been disused, that the patron Lord Belmore, as he was informed, found he had not the power of re-appointment to the office, which remained vacant. Of the 2,062 persons who were returned as forming the population of Belturbet, nearly 500 lived in a different parish, out of the corporation bounds, and divided from them by the river. Certainly, no town of equal size in Ireland contained a greater number of respectable inhabitants, every way qualified to possess the privileges and discharge the trusts of a Corporation; but he rather thought that if their opinion were ascertained, the majority of the better and more independent householders would be glad to be without the necessity of frequent elections, with their accompanying excitement and bad feeling, and to have the property of the corporation vested, as it ought to be, in Commissioners, for the use and benefit of householders, for charitable purposes, and the general improvement of the town.

Midleton was omitted from the Schedule.

On the question that Navan stand part of the Bill,

Mr. *Randall Plunkett* begged that the Committee would just observe the extreme absurdity of giving a Corporation to Navan, which had neither tolls nor corporate property. It once had both, he admitted; that is, it certainly had tolls, but the limits of the corporate property and the titles to it, in the Corporation, were very undefined and obscure. Navan had a Rienzi, a highly patriotic individual, of the name of Farrell, he believed, who, in 1827, got rid of the tolls altogether; and the same patriot had also the honour of rescuing a part of what was believed to be corporate property from the fangs of the Corporation. Now, as to this property, it was supposed once to have been as much nearly as 1,200 acres; but not above 118 acres of it could be recovered. A vast number of most wretched cabins had been built by persons settled thereon; and if this Bill should pass, and the recommendation of the corporation Commission be adopted, about ascertaining the limits, these unfortunate creatures would, by the philanthropy of the charitable Attorney-General, be turned out of house and home, and their only subsistence taken from them. But, again, by the very Report of the Commissioners, it seemed that there was no borough court now—that the portreeve received but 5*l.*, wherewith to pay the salaries of the corporation; and hereof the two town-sergeants claimed an arrear upon their dues, they being entitled to 4*l.* annually, and a hat and cloak. All the corporate offices had fallen into disuse, and what was more, there never could have been the least necessity for them. He had some right to know something about that town, and he knew that its streets were part of the county roads, and provided for by the grand jury. As to lighting, the town never was publicly lighted; and as for a watch, what more could be wanted than the constabulary as at present, or as they would be under the Bill now passing through this House. He therefore moved, that Navan be struck out of the Bill.

Mr. Sergeant *O'Loghlen* said, the question was not whether Navan had considerable property, but whether Navan was entitled to collect tolls. It was the opinion of Sir Anthony Hart that tolls should be devoted to public purposes, and that a receiver should be appointed. If tolls were to be so applied, instead of being placed in the hands of corporators, they would unquestionably be paid.

Mr. *Shaw* did not think any person apart from political feeling, would deny that the abolition of tolls would be a greater public benefit to the place where they were collected, and particularly to the lower orders, than any possible appropriation of tax that could be devised.

Mr. *O'Connell* entirely agreed that tolls should be abolished where the party did not get value, but he thought they would be found extremely useful under proper management, and if applied, for instance, in establishing markets and shambles, and erecting public scales for the benefit of the poor. If the poor could get these advantages at the expense of the wealthier classes who pay tolls, it would be a great matter. The question depended altogether on the application of the tolls. If the public refused to pay them it was because they were to be paid into Corporations, and no matter whether the toll-payer was Protestant, Catholic, or Presbyterian, he withheld it on that ground, and he had just as great an objection to a Catholic toll as a Protestant toll, when he did not get value in exchange for it.

Mr. *Richards* contended that the amount collected was uncertain. Now, if it were necessary to have market-houses, and scales for weighing goods for sale, established, why should not the inhabitants assess themselves for that purpose, and not do so by making persons who came to sell their goods pay toll, over which they had no check, and which experience had shown was open to considerable abuse and mis-application? As to the hon. and learned Gentleman insinuating that "Protestants" misapplied those funds, did he mean to say that avarice was less predominant in persons of other persuasions? He was disposed to think that the Catholic would act in precisely the same way. He did not mean to deny that abuse to a certain extent prevailed; but what he contended was, that Roman Catholics, placed in similar circumstances—he, however, in saying this, meant no disrespect to the religion—would be found to misapply funds fully to the same extent they were now misapplied, and that it was not at all to be wondered at from the nature of toll itself and from the way in which it was managed, or rather mismanaged, it should be in some degree misapplied. He, therefore, thought that tolls should be altogether abolished.

Navan was placed in the Schedule. The remainder of the schedules were agreed to, and the House resumed.

COUNTY BOARDS (IRELAND).] Sir *Richard Musgrave* rose to move the second reading of this Bill. It had been already proved that where public works had been carried on, improvement to a very great extent had taken place in the condition of the people. He would not go through the evidence taken before the Commissioners on the subject—contenting himself merely by observing that the Report stated, that most important results had flowed from the carrying on of public works in the western districts of Ireland. The annual increase in the amount of revenue collected proved distinctly the vast improvement which had been effected in the condition of the people in that part of Ireland. He found also a corresponding increase in Cork, where, under the superintendence of Mr. Griffith, 60,000*l*. had been expended. The Report of the Committee of last year, of which he was a member, and which furnished the gratifying proof that there was a place where gentlemen of opposite political opinions could meet without political strife—also furnished a variety of valuable evidence. That Committee were unanimously of opinion that an improvement in the condition of the people had taken place under the system alluded to. It was, therefore, he conceived, their duty to remove every obstacle that impeded the further progress of that system, and to establish a kind of administration free from the difficulties that now existed, and from the mischief which resulted from the present grand jury system. He certainly thought that the rate-payer should have a voice in the election of sheriffs—indeed he was borne out by the expression of public opinion in stating that nothing could give satisfaction that did not confer that advantage upon those who paid taxes. The grand jury laws amounted, in number, he believed, to about 100, and seemed, in fact, to have been made upon the spur of the occasion, either to relieve some pressing want, and to impose upon the grand jury some duty which could not be so well performed by any other existing body in Ireland. This fact in itself shewed the necessity for a revision of the grand jury system. By a provision in this Bill it was proposed to vest the entire power and duty of taxation in persons to be elected by the rate-payers. A considerable part of the Bill related to compensation to be given for land required for public works. Another very serious obstacle arose in this respect. At present the entire of the county-rate was levied on the occupying tenant, who was also liable to the heavy expense of a second rate. The Committee of 1830 recommended that part of the county rate only should be paid by the occupying tenant, but that recommendation had not been carried into effect. Under this Bill it was proposed that part of that rate should be paid by the landlord. Committees of superintendence would be appointed in the counties for examining into the different charities in Ireland, and particularly the dispensaries. The principal thing was the election of the County Board, which would be directly under the control of the rate-payers; but having explained the nature of the Bill on a former occasion, he was unwilling to trespass further on the House. He could assure the House that the Bill was drawn up by a gentleman of great experience and well acquainted with the working of the grand-jury system.

Mr. *Fitzstephen French,* before he allowed this Bill to go through a second stage, felt it incumbent on him to inquire from the noble Lord opposite what course, in respect to its future progress, his Majesty's Ministers meant to pursue? He rather imagined they were not aware of the nature of this Bill; it was one of no trifling importance, its object being to supersede the grand juries of Ireland, to take out of the hands of the country gentlemen the administration of fiscal affairs of the country. It contemplated a change of too important a nature for Government to remain neuter on, if such a measure was necessary. He contended it was their duty to introduce it themselves, and to undergo its responsibility. They should not leave the responsibility of a measure, the effect of which would be to repeal 100 statutes, and to put the fiscal system of all the counties on a footing entirely and essentially different from that which at present existed, on any shoulders but their own. Let not the noble Lord be led away by assertion incapable of proof, no matter how often repeated. He would find on inquiry that much had been done for Ireland under a system it was so much the fashion to abuse, from its introduction to the present day—her means of communication had improved in a manner unexampled in the history of any other country, both as to their extent and as to the economy of their execution. He confidently asserted no system had yet been brought forward superior to it either in theory or practice; the noble Lord would probably learn with astonishment, that the sum levied for the making and keeping in repair the roads and bridges of Ireland, did not amount to more than 400,000*l.* It was true an outcry had been raised about the increase of the amount levied under the sanction of the grand juries; but for that increase the gentlemen composing these bodies were not to blame, it was occasioned by the numerous compulsory presentments sent down under the authority of that House, to be signed by the foreman as a matter of course, over the amount or expenditure of which the counties had little if any control; of such a nature would be the presentments for defraying the expense of the constabulary under the Bill which was now passing through that House. He was not desirous of pressing this matter now to a division, as his hon. Friend the Member for Waterford had taken so much pains on the subject; nor would he enter on the details of the Bill further than to remark, that the only part of it which appeared likely to prove useful to the valuation of counties, was already in progress, under the direction of the Board of Ordnance; his chief object in rising was to draw from the Government some information as to what their intentions were.

Mr. *O'Connell* said, that before this Bill proceeded any further, he wished to know whether his hon. Friend would have any objection to let it be sent to a Select Committee? The subject to which this Bill referred was one of considerable importance to Ireland, and although it did not go the length it proposed, yet he must confess it contained many most excellent principles and practical enactments. One of these would be the digesting of that incongruous heap of grand-jury enactments, amounting to upwards of 100 Acts, forty-seven of which were in existence, the others more or less repealed, some of them directly, and some in the worst possible way—by implication. In such a state the grand-jury laws ought not to be allowed to remain. Another advantage, and a very important one, was the reduction that would take place in taxation. The money levied every year in Ireland by means of grand jury presentments amounted to no less a sum than 900,000*l.* Of this sum between 400,000*l.* and 500,000*l.* were levied for roads and bridges alone, thus making the amount levied by grand juries equal to one-eighth of the entire revenue produced from Ireland to Government. This money was placed in the hands of irresponsible persons nominated by the High Sheriff, at his caprice or discretion, or sometimes a worse reason still. These men proceeded to tax the country. There was certainly an appeal given, but it was not from Philip drunk to Philip sober, but from themselves to themselves. He had no objection to leave to the grand jury the power of investigating whether a man was to be put upon his trial or not, but he did object to placing power of taxation in irresponsible hands.

He thought that the best mode of legislating on these county assessments would be, by letting those who had to pay them have some voice in the election of those who had to tax them. He was convinced that that would be the best mode of reducing the county rates, not only in Ireland but in England too. He approved of a good deal of the principle of the Bill; and if his hon. Friend would send it to a Select Committee, he would give him every assistance in his power to render the Bill efficacious for the purposes for which it was designed.

Mr. *William S. O'Brien* observed, that although he concurred to the fullest extent in that principle of the Bill which intrusted the local expenditure to those only who represented the rate payers, yet he could not agree in other portions of it; for which reason he now gave notice of his intention to bring in a Bill at the latter part of the present session for re-modelling the present grand jury system.

Mr. *Sharman Crawford* agreed with the hon. Baronet, that no measure for amending the grand-jury laws could give satisfaction in Ireland that was not based upon the principle of representation. This Bill he conceived to be most valuable in that respect, and in its alteration in the mode and principle of assessment. Assessment for county works should undoubtedly be thrown upon the landlord as well as the tenant—a most essential principle in order to give satisfaction in Ireland; and as a member connected with the northern part of that country, he could most confidently state, that there was no subject in which the inhabitants of the north felt at this moment a greater interest than the amendment of the grand-jury system. He could also state that feeling was not confined to Roman Catholics, but was participated in to an equal degree by Protestants. They were all, in fact, united in their call upon the Government for a measure of relief.

Sir *Richard Musgrave* had no objection, but rather wished, that the Bill should be referred to a Select Committee. Read a second time, and referred to a Select Committee.

CONSTABULARY FORCE — (IRELAND) BILL.] Viscount Morpeth moved that the Constabulary Force (Ireland) Bill be read a third time.

Motion agreed to.

Mr. *Jephson:* The power hitherto possessed by grand juries is by this Bill taken away from them. I cannot but consider this as an insult to the grand juries, when such a power is taken from them without any just cause. I cannot understand why such a power as they had formerly is not still left to them, for the grand juries can have no possible motive whatever for decreasing the expense of the constabulary. While then they would be uninfluenced by any such motive, I cannot see why the power is not to be left to them of checking the accounts, and objecting to any improper items that may be found in them. We are obliged to pay one-half of the expenses of the constabulary; the English Members have to pay the other half. What, I would ask of the House is this?—that the grand juries who have to pay one-half of the expenses should have the power of checking the accounts. I do press upon the noble Lord the propriety of conceding this. I wish to have a clause added, declaring that judges of assize may have the power of disallowing items in the accounts of the constabulary that have been objected to by the grand jury. I cannot see any objection to a clause such as this. As to the noble Lord saying that the grand jury can strike out any item that is contrary to law. Does the noble Lord, I would ask, anticipate that the inspectors under the new Bill will make charges that are contrary to law? The hon. Member concluded by moving a clause declaring that judges of assize may disallow items in accounts objected to.

Clause read a first time.

On the question that it be read a second time—

Viscount *Morpeth:* I am very sorry I have not the power to consent to this clause. I mean no disrespect to the grand juries in removing from them their fiscal powers; but, at the same time, I cannot help remarking that in the course of the discussion in the Committee upon this Bill, it was admitted that the power of deciding the amount of the police force, and the levying various sums for the payment thereof, should be placed in the hands of the executive government, and not in those of the grand juries. The clause brought in by my hon. Friend opposite gives the power of superintending the arrangements, disputing the items, and altering them to the grand jury. The hon. Member, too, gives a power to the judge of sanctioning the objections of the grand jury. Provided the sums presented are not warranted by law, the judge now has that power. But I could not think it right to constitute the judge of assize the person to determine whether there should be ten or twelve policemen in a barony. I would not give to the one the power of superintending or controlling the constabulary, nor to the other of determining the amount of that force.

Dr. *Baldwin*: I concur in opinion with the noble Lord. I think it is much better to leave the entire business in the hands of the executive government, than to trust it to grand juries who are irresponsible, and to judges equally irresponsible. I do not approve of the Bill altogether, except so far as it is an improvement upon the mode of managing the constabulary force. The time, I hope, however, is not far distant when the Government in Ireland will not be permitted to have a power entirely arbitrary. The time, I hope, is not far distant whon both parties that are now contending in Ireland, and to whom the country is a common victim, and to whom, too, the prosperity of the country is sacrificed, will be completely quieted, and both made subject to the common law of England.

Mr. *Hume*: The check there ought to be on those accounts is, a return to this House of all the necessary expenses of the police establishment. I do not think that the judges ought to have any thing to do with it. What I must remark upon the clause now before the House is this, by the previous clauses full authority is given to the Lord-Lieutenant, both as to the regulation and number of the police; and this clause, therefore, is rather in contradiction to the rest of the Bill.

Sir *Robert Ferguson*: The powers which the grand juries have had hitherto, should, at least, be continued to them. In the county Donegal, it occurred at the last assizes, that the grand jury were required to pay an account incurred very nearly ten years ago. This account was incurred under the Peace Preservation Act; and for such an account it was only necessary to have it vouched upon affidavit before a magistrate, that 700*l.* had, upon such a voucher, to be paid. Now, accounts upon accounts are obliged to be paid that are voted upon the fiat of a secretary. I really hope that the hon. Member for Mallow will divide the House upon this clause.

Mr. *Randall Plunkett*: I have had some experience upon grand juries, and I must say, that I never knew a body of men look with more jealousy to the items of expenditure submitted to them. I have always had a difficulty in getting them to expend enough. If they have a fault it is too great a dislike to lay out money, even where it is required. I am bound to say, that the Bill, as amended in the Committee, has been altered so as to be completely changed from its original form.

Viscount *Morpeth*: I have only to observe, when it is said by the hon. Member opposite that grand juries are too parsimonious, that he gives a good reason why they should not have that power over the police which this clause would give them. Our wish is to make the police force as perfectly efficient as possible. As the English Members have been desired to look at this Bill, because it enacts that one-half of the expenses is to be paid out of the consolidated fund, and the other half by the county, I would say that, if you enable grand juries to disallow certain portions of the expenses they may throw upon the consolidated fund more than a fair share of those expenses.

Mr. *Fitzstephen French*: I assure the noble Lord he is entirely mistaken, both as to the object and the meaning of the clause brought forward by my hon. Friend the Member for Mallow; the objection of the noble Lord is, that it probably would lead the grand juries to reject certain items, for the purpose of lightening the expense on their counties, through view of their anxiety to lighten the burdens on their counties, is certainly not in accordance with that wasteful expenditure which the noble Lord, in common with others at an earlier period of the night, seemed inclined to attribute to them; but if the noble Lord had attentively considered the clause, he would have discovered that were they even inclined to act in a manner which had he known them he would not have suspected them of a disposition so to do; no such power was vested or proposed to be vested in them; all sought for in this clause was, in the event of a case being made out to the satisfaction of the judge, of mistake, overcharge, or fraud, the power should be given to him of examining into, and if he thought fit, disallowing the item objected to; the power to object was to be vested in the grand jury; the power to decide in the judge. In addition to the circumstances brought forward by the hon. Baronet, the Member for Derry, proving the necessity of some such power as this sought for to be given, I will mention what had occurred in the county I had the honour of representing some few years ago. At the assizes, on looking over the certificate for the constabulary expense sent down from the

Castle, it was remarked the sum was considerably larger than that of the year preceding, although no addition had been made since that period to the force stationed in the county. A reference was made to the Inspector-General, Major Warburton, who happened to be in the town, and a mistake of some hundred pounds was pointed out by him. As I have mentioned the name of that officer, I cannot refrain from bearing my testimony to the eulogy passed on him by the hon. and gallant officer, the Member for Sligo; whatever political differences there might exist in the province over which he so long presided, all joined in bearing testimony to his private worth and public efficiency. I am glad to find, if there is an arrangement, the country is to have the benefit of his services. I know no person, from his intelligence and courteous demeanour, more likely to fill a public situation with credit to himself, and advantage to the public, than Major Warburton. It was true this mistake was corrected, but had the judge adhered to the strict letter of the law? He had no document to go on save the Castle certificate; he was expressly forbidden to fiat any presentment until the sum mentioned in that document was voted, and the grand jury would have been compelled to present for the entire sum, or let the whole of the fiscal business of their county drop. To give the judge a discretion in cases of this kind, is the object of the clause then before the House, and as I have I trust, satisfactorily shewn the objection of the noble Lord did not apply to it, I trust the opposition will not be persevered in.

Mr. *Francis Baring:* No injury occurred in the instance adverted to by the hon. Gentleman. There the mistake was rectified. The accounts are here to be laid before the Inspector, and the presentment is to be made in consequence. The presentment is to be made upon the authority of a responsible government officer. I certainly must object to the powers being given to a grand jury after the expense has been incurred to say, that it was one that ought not to have been incurred. With every respect for the grand juries, I must say, that I am afraid they would throw the payment of this force upon the public.

Colonel *Perceval*: The Secretary of the Treasury, it appears, would not desire to leave any power to the grand jury of even making an appeal to the judge, that judge having nothing whatever to do with the property of the county, or the payment of its rates. The judge could not be influenced by the motives which hon. Gentlemen opposite are disposed to attribute to grand juries. It is not to them, it is to be remarked, that power is to be given. Whether this clause will be adopted or not, I do not know; but I am prepared to support the hon. Member for Mallow by voting for it. I must take this opportunity for saying, that the grand juries of Ireland are calumniated upon all occasions for a vast expenditure of the public money, when much more than one half of the sums levied in the counties, are settled by Acts of Parliament, and they are compelled to make presentments for them. I deny, Sir, that the Irish grand juries are justly liable to the imputations or insinuations made against them; that they are either too niggardly or too extravagant; that they in fact levy any sums that are not absolutely necessary. All that is now sought for on behalf of the grand juries is, to have the power of making out a case, to which, after all, the judge may refuse his sanction. I beg of the noble Lord to consider the imputation which is now cast upon the grand juries; that they would throw upon the consolidated fund sums that ought not to be paid by it, to save themselves expense. We pay the half of the expense, and therefore, we claim a fair investigation of the accounts, that we may fairly consider what ought, and what ought not to be discharged by us. It is certainly contrary to the opinions professed by those on the other side of the House, if they will not allow such a power as this to those who are the representatives of the people.

Mr. *Sharman Crawford:* The presenting Grand Juries should, in my opinion, be a responsible body; and if they were so, I would be entirely opposed to the power being conferred upon the Lord-Lieutenant of forcing the presenting body. But, in the present state of the grand juries, I am apprehensive that the clause of the hon. Member for Mallow would not remedy the mischief complained of, and it would be in collision with the other clauses of this Act. I do not see any benefit to be gained by leaving the matter to the decision of the judge. If the clause were so worded as to be consistent with the other provisions of the Bill, and to give a controlling power to the grand juries, it would be intelligible; but, leaving it merely to the judge, makes the clause such that I cannot support it. I would call upon the hon. Member to reconsider the clause.

Mr. *Hesketh Fleetwood:* This Bill gives the power to the Lord-Lieutenant of putting his hands in the pockets of the people, and making them pay certain expenses. Surely, the grand juries ought to have the right of considering the question of what money they ought justly to pay. This power, at least, should be conferred to the grand juries. As an Englishman, I certainly feel bound to support the Irish Gentlemen by my vote when their proposition is, that having to pay expenses, they ought to have the power of inspecting the accounts.

Mr. *O'Connell:* Does the hon. Gentleman know that it is competent for the judge to refuse his assent to a presentment if it be illegal. In the case of an illegal presentment, upon the grand jury showing that it is illegal, the judge will not fiat it; but, then, when the amount is disputed, how are you to ascertain the proper amount? Is it [the judge who is to decide the matter of fact? Is it a jury of rate-payers who are to be summoned to determine the amount? Who is to be counsel for the rate? Nobody; but there are to be twelve counsel against it in the jury box. Really, Sir, the Irish Judges have enough to do at present. The Irish grand juries have also enough to do; those innocents, upon whom the hon. Member for Sligo has pronounced an eulogium, have quite enough to do, and they should not be troubled with any more business. Besides, if it so happened that by any chance the police in a particular county were active in a sense contrary to that which a grand jury thought (rightly thought, of course) they ought to be, there would be an infinitely more severe scrutiny into the accounts of that police force, and nothing would more gratify the grand jury than disallowing the items necessary for their maintenance. This is human nature, and I do not think that you possibly could, with safety to the Bill, admit this clause. A portion of the expenses, it is to be remarked, are to be paid out of the consolidated fund. You have, then, in this House the opportunity of seeing those accounts. You must have those accounts annually printed; and some Member, I am quite sure, will take care to look at them. For my part, I think the entire sum ought to be paid out of the consolidated fund. I think that the general Government ought to pay for the peace of the country, and the expense not be placed upon particular districts.

Mr. *Shaw:* I think the principle is certainly in favour of the amendment, for I know no more just cause of complaint on the part of the Irish grand juries than the various compulsory presentments which were brought before them, where they could exercise no discretion, while they had to bear all the odium of the heavy charges of which those compulsory presentments constituted the principal part. He thought it but reasonable, that if there was an obvious mistake, or an improper charge in the police accounts, that there should be a power in the grand jury to bring such mistake or error under the consideration of the judge, and that if both the court and grand jury concurred in its impropriety, they should not be constrained to allow it. It was new in hon. Gentlemen opposite to object to this influence of popular control, and the noble Lord seemed so much in love with the increased power the Irish Government was to derive under this Bill, that he was unwilling they should be subjected to any control whatever.

Major *Beauclerk:* I think it is a great hardship upon the Irish grand juries that they are not to have any control over the police force. Supposing that we had, what we have not now, an arbitrary Government, and the police was entirely at the command of that Government, and it thought fit to increase that force far beyond what was necessary, who could be the proper persons to control them but the grand juries? I agree with the hon. and learned Member for Dublin, that we ought to have a better control over the grand juries than we have at present, I should like to see them chosen by the people, yet I think it is only fair that they should have some check or control over a police force.

Mr. *Lefroy: (Dublin U.)* There ought to be some power given to the grand juries of reviewing and checking the accounts; one hon. Member has shown the advantage of such powers being exercised by grand juries. There might be a mistake to a very large amount,; and, if a grand jury can point out a very great mistake, surely it must be admitted that the county should not be charged with it. It is said, on the other hand,, that the consolidated fund is to pay one-half; but if there be any neglect in checking the accounts, and the consolidated fund has paid more than it ought, is that any reason that the county should be brought into like mischief? It has been said by the hon. and learned Member for Dublin, that items will be disallowed, of which there is *prima facie* evidence of their illegality. But how is the matter to be investigated by the grand jury? They are bound by the accounts furnished to them by Government. The whole onus then lies upon them of satisfying the judge of the mistake. What I desire is, that the grand jury should have the power of satisfying the judge that there has been a mistake in the accounts; that there are items for which the county ought not to be chargeable. I want the opportunity to be given to them of making that case, taking upon themselves the onus of satisfying the judge. It is a most monstrous proposition that the county is to be chargeable with items that it ought not to pay. It has been said by the Secretary of the Treasury, that after the expense has been incurred, there will be a reluctance in the county to defray it. The grand jury will have no such power; but they ought to have the power of shewing that an improper charge has been made against them, as when there was a mistake of 700*l.* charged against the county. Surely, in such a case as that, it ought to be left to the grand jury to be able to show, to the satisfaction of the judge, that such a mistake was committed; at least, for the time, they ought to have the power of refusing the item, and affording an opportunity for revision; but the opportunity, at least, ought to be given to them.

Viscount *Morpeth:* The following clause appears to have been lost sight of in this discussion. The noble Lord then proceeded to read the clause, which was as follows:—"That each such pay-master shall keep accounts of all sums received, and of all payments and disbursements made on account of the constabulary force in each county; and that such accounts shall be made up once in every month, and oftener if required, and transmitted to the said inspector-general; and that all such accounts shall be made up half-yearly, and a copy of each such half-yearly account delivered to the secretary of the grand jury at every spring and summer assizes, and be by him laid before such grand jury, who shall inspect the same, and if they shall so think fit, examine the said paymaster, on oath, as to any matter or thing contained in such account; and such pay-master shall, for that purpose, attend such grand jury, if so required, and submit to such examination; and the foreman of such grand jury shall transmit each such half-yearly account to the said inspector-general, with such remarks thereon as such grand jury shall think fit to make." Now, I beg distinctly to disclaim any disrespect to the grand juries or judges of Ireland. All I say is this, that I do not think that the judges of Ireland are not as fit persons to confide the peace of the country to as the Government, nor are the grand juries of Ireland such competent auditors of accounts as the Lords of the Treasury.

Mr. *William S. O'Brien:* I think that the Accounts should be submitted annually to the Parliament. With respect to the clause proposed by my hon. Friend, I do not think that he can gain much by dividing the House upon it; and I express my hope that he will not divide the House. I think that the practicable operation of the clause read by the noble Lord will be equal to, and at least as great, as the clause brought up to-night.

The House divided on the question, that the clause be read a second time.

Ayes 18; Noes 60;—Majority 42.

Clause rejected.

List of the AYES.

Beauclerk, Major
Brownrigg, J.
Cole, Lord Viscount
Dunbar, G.
Fleetwood, P. H.
French, F.
Henniker, Lord
Hindley, C.
Knatchbull, Sir E.
Lefroy, Rt. Hon. T.
Maunsell, T. P.
O'Brien, W. S.
Perceval, Colonel
Plunket, Hon. R. E.
Rushbrooke, Colonel
Shaw, Rt. Hon. F.
Tennent, J. E.
Walter, John

TELLERS.

Ferguson, R.
Jephson, C.

List of the NOES.

Attwood, T.
Bagshaw, J.
Baldwin, Dr.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Blake, M. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Butler, Hon. P.
Callaghan, D.
Chalmers, P.
Colborne, N. W. R.
Cookes, T. H.
Curties, E. B.
Duncombe, T.
Ewart, W.
Ferguson, R. C.
Foster, C. S.
Fort, J.
Grattan, J.
Hallyburton, D. G.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hobhouse, Sir J.
Hodges, T. L.
Hume, J.
Lennox, Lord G.
Lushington, C.
Lynch, A. H.
Maher, J.
Maxwell, J.
Morpeth, Lord Visct.
O'Connell, D.
O'Connell, M. J.
O'Loghlen, Sergeant
Pendarves, E. W. W.
Phillips, C. M.
Potter, R.
Poulter, J. S.
Pryme, G.

Rooper, J. B.
Scholefield, J.
Sheldon, E. R. C.
Smith, B.
Stewart, M. P.
Tancred, H. W
Trelawney, Sir W.
Tulk, C. A.
Turner, W.
Wakley, T.
Wallace, R.
Williams, W.

TELLERS.

Baring, F.
Dalmeny, Lord.

On the question that the Bill do pass.

Viscount *Morpeth:* I must take this opportunity of repelling an attack made on a gallant officer and meritorious public servant, Sir Frederick Stoven, by the hon. Member for Londonderry. The charge was that of undue favour shown towards the Catholic portion of the police, at the expense of the Protestant. I felt upon the occasion that enough was said of the general character of the gallant Colonel, to satisfy every feeling he could entertain. With that keen susceptibility to reproach, in the discharge of his public functions, for which no one can condemn him, he is anxious to couple with an indignant denial of any improper motive, the fullest explanation of the minutest details of his conduct with respect to which I feel it due to him to submit to the House the following statement. The noble Lord read the following Document:—

> " Ulster Police, February 25th, 1836. Protestants, total force 1,048; Catholics, 202; 1 to 5—30. Dismissals since Sir Frederick Stoven took charge in February, 1834:—Protestants, 91; Catholics, 25; 1 to 3—16. Total constables:—Protestant, 196; 1 to 5—48; Catholics, 24; 1 to 8—10 of total force. Constables disrated:—Protestants, 9; Catholics, 2; 1 to 4—1. Constables promoted by Sir Frederick Stoven:—Protestants, 33; Catholics, 8; 1 to 4—1. Cause of promotion of the eight Catholics. One for taking a murderer. One as a reward for honesty, for returning Bank-notes found to the Director of the Provincial Bank, Armagh. One a discharged sergeant of the 65th regiment, taken for a drill, and a remarkably fine looking man, and most respectable in every way. One by the Inspector-general, for his appearance and intelligence, and on the recommendation of a magistrate. Four on recommendation of the sub-inspectors."

In making this explanation, I think I have done more than was necessary. I need not disclaim the wish to revive any irritating discussion, especially as the person from whom the matter of accusation proceeded, is, it appears no longer living; but thus much I have said from a wish to do justice to the upright and high-spirited character, the professional reputation, and the official services of a person to whom I am the more willing to tender this expression of respect, as I fear the Government is likely soon to lose the benefit of his services.

Mr. *Shaw:* I am very sorry for the absence of my hon. Friend, the Member for the county of Londonderry (Sir Robert Bateson), the more particularly as it is caused by his indisposition; but I do not think the noble Lord has accurately represented the statement my hon. Friend has made on the occasion in question. He (Sir Robert Bateson) did not himself charge Sir Frederick Stoven with any act of partiality, but merely repeated an observation that had been made to him by a chief constable, that it would be in vain to make a complaint of some inferior officer because he was a Roman Catholic. This certainly might be understood to imply an accusation that there was not perfect impartiality observed, as between persons of different religious persuasions. I have not the honour of being personally acquainted with Sir Frederick Stoven, but I have always heard him considered as a military man, an officer of distinguished merit. I must, however, add that, politically speaking, it was the general impression in Ireland that Sir Frederick Stoven was in politics a strong partisan.

Mr. *O'Connell:* The right hon. Gentleman gave Sir Frederick Stoven the best possible character in everything, save that he was guilty of the crime of partiality. But he forgot to state that the Member for Londonderry did not name his informant until some time after. Now, the *Northern Whig* stated, that the man died so long since as the 5th of November, and it was not till the other day that the hon. Baronet (Sir Robert Bateson) thought of hitting upon the dead man as his informant. It reminds me of the story that occurred at Canton. A native was killed by one of the crew of an East-Indiaman. According to the custom there, the man who slew the Chinese was demanded. His commander did not wish to give him up; but, luckily, another man died, and he was sent to the authorities at Canton, the captain of the vessel stating that he had put him to death in consequence of his having slain a Chinese. So it was with the hon. Baronet. When pressed for the name of his informant, he refers us to a dead body. With respect to the relative number of Protestants and Catholics promoted in the police under Sir Frederick Stoven, as read by the noble Lord, I am by no means satisfied with it, as I think the number of Roman Catholics bears no fair proportion to the whole number.

But a new system was now about to be introduced, and he hoped all parties would have fair play for the future.

Colonel *Perceval*: The imputation sought to be cast upon my hon. Friend (Sir Robert Bateson) is most unjustifiable, and like most of the hon. Member's statements is not supported by fact. On the night the debate took place, my hon. Friend told me and other hon. Members near me at the time, that Mr. Curry was his informant; therefore, it was not an afterthought as insinuated by the learned Member for Dublin. My hon. Friend, the Member for the city of Londonderry, is incapable of such conduct. With respect to the statement of the learned Member, that the number of Roman Catholics in the police bears no fair proportion to their numerical force, I must call to the recollection of hon. Members, that no man could be admitted into the police until it was ascertained that he could write a despatch. Now, it is a notorious fact, and I regret it, that the generality of the poorer classes of Roman Catholics could not write at all; and, therefore, many a Roman Catholic who had been recommended for a situation in the police, was rejected in consequence of his being unable to write.

Bill passed.

Royal Society (Dublin.)] Mr. *William S. O'Brien*, in pursuance of his notice on the paper, rose to move for a Committee to inquire into the administration of the Royal Dublin Society, with a view to the wider extension of the advantage of the annual parliamentary grant to that institution, without reference to the distinctions of party or religion. The society was instituted more than a century ago, having for its object the promotion of literature and science, and the encouragement of agriculture, manufactures, and the arts. It has connected with it a botanic garden, a library, a museum, schools of design, architecture, and drawing, and professorships filled by gentlemen who deliver lectures in the different branches of experimental and mathematical science. He was not disposed to deny, that this society had been advantageous; but he would say, there had been an impression for some time prevalent, that it had not been so advantageous as it might have been made, and that, therefore, an inquiry should take place on the part of this House, with the view of rectifying this defect. This had been his opinion for several years. It was generally thought the society had too much the character of a club, that it was not sufficiently accessible to the public at large, and that, according to its present constitution, a power existed in a certain party of excluding gentlemen, however respectable they might be, if their views were not in harmony with the feelings of that party. He (Mr. O'Brien) felt this so strongly to be objectionable in the constitution of the society last year, that he took the liberty of calling the attention of his Majesty's Government to the subject. He did so upon general principles, not expecting that this evil would be so strongly illustrated as it had been within the last few months, by the expulsion of the Roman Catholic Archbishop of Dublin—a man who was respected by all who could appreciate piety and learning—a man so cautious of giving offence to persons of opinions opposite to his own, that he has abstained from taking any part in the great political movements of his day; yet this man, whose conduct was every way so consistent with the true character of the Christian Bishop, had been selected as an object for the exercise of that exclusive power to which he adverted, and had been refused admittance into the society. He was excluded by the exercise of an arbitrary power on the part of a few members of that society, and it was for this House to say whether these persons should be any longer at liberty to apply the grant made to them by Parliament, to such bigotted and party purposes. The opinion he (Mr. O'Brien) entertained was in accordance with that of the Committee which sat in 1829, whose recommendation he would take the liberty of stating to the House. They were of opinion, "that admission to the society by ballot was objectionable and should be discontinued, and that the subscription being fixed at such an amount as might be deemed expedient, any person contributing the same should be considered as entitled to all the advantages the society is calculated to afford." By the authority of his Majesty's Government, Lord Francis Egerton wrote to the society, calling their attention to this recommendation of the Committee, but their answer was, that their mode of proceeding was strictly in accordance with the terms of the charter by which they were incorporated. He (Mr. O'Brien) knew not whether any inquiry had been made by preceding Governments, but the late operations of the society were of so peculiar a nature, that they had naturally attracted the notice of the present Government in

Ireland, who having appointed a Committee to inquire into the constitution of it, they submitted to the society a series of propositions, which he would not trouble the House by reading, but simply state what the effect of them was. They proposed, that all elections in future shall be made by the majority of the members of the society, that the terms of admission shall be lowered, that the administration of its affairs shall be vested in the hands of a council, subjected to an audit of their accounts, and that the newspapers shall no longer form one of the accessaries of the institution. These propositions the council have thought fit to reject, he would not say contumeliously, but with the utmost determination not to give any reason for their rejection—it was for the House then to say, when they find a society composed of members whose subscriptions were trifling, compared with the amount of the parliamentary grant, thus setting at nought alike the recommendations of the House and of the Irish Government, whether it was not at least time they should consider of the propriety or impropriety of annexing some conditions to the next advance made to them out of the national purse? it was with this view, and for the other reasons he had stated, he now proposed the appointment of the Committee, a proposition which he considered to be strengthened by the fact, that they were at this moment engaged in a similar inquiry into an institution analogous to the Dublin Society—he alluded to the British Museum. He was happy to find that there was no disposition on the part of his Majesty's Government to oppose the motion. He did not wish to anticipate objections, but he could imagine that possibly there might be some on the part of hon. Members as to the latter part of his motion; if so, and he found them to be urged as important, to avoid collision he should feel inclined to leave out the part which was found to be offensive.

Mr. *Shaw* said, that as no member of the Government seemed inclined to rise for the purpose of stating to the House the course which they intended to pursue with reference to the present motion, he felt bound to say a few words on behalf of the society to which the attention of the House had been drawn, and which he considered to have been very unjustly assailed. The Dublin Society was, he believed, the only public institution in Ireland supported by any grant of the public money, which had for its object the diffusion of scientific knowledge, the encouragement of the arts, and the cultivation of the native talent, energies, and industry of the people of that country. The society had existed for above a century; it was incorporated in the year 1749, expressly "for promoting husbandry, and the other useful arts in Ireland." It had enjoyed the bounty of the Irish Parliament before the Union, and since had received comparatively small annual grants from the Imperial Legislature. He (Mr. Shaw) did not believe that it was even alleged that there had been a misapplication of the public money intrusted to its charge—as for the newspapers which had been mentioned, the society declared that the expenses of the news-room were defrayed by private contribution, of which a very large proportion went to the support of public objects—but the accusation which the society had to meet was, that it was a bigotted and intolerant political body. It was not, he apprehended, denied that the schools, the lectures, the library, the museum, the exhibitions, and all the public departments of the institution, were accessible, and to the utmost extent rendered useful, to all classes of society in Ireland, without distinction of party, politics, or religion. The charge, in short, resolved itself into one having reference to the admission of members, and amounted in fact to this—that although within the last thirty years eight hundred members had been admitted indiscriminately as regarded religious and political opinions—five only having been rejected during that entire period—yet that of those five the hon. and learned Gentleman, the member for Dublin (Mr. O'Connell), was one—and Dr. Murray, the Roman Catholic Archbishop, another—thereby hung (without meaning a pun upon the word) the *tale* of the present opposition—and it meant neither more nor less than that the society was to be sacrificed, because these gentlemen were black-beaned. An excellent letter had been addressed on the subject to the Lord-Lieutenant, by a gentleman much more competent than he (Mr. Shaw) was to speak to the merits of the society, and who would be much freer from the suspicion of political partiality—he meant Dr. Meyler, and he would beg to read the following extracts. The letter was in answer to the charge that the Dublin Society was "an intolerant political club." Upon this point Dr. Meyler observed—

"This is so much the country of reckless and unfounded assertion in the absence of all knowledge or inquiry, that perhaps it may not be improper of me, in the first instance, to state to your Excellency my sources of information on the subject that I now take leave to have the honour of addressing you. I have been for the last twenty-five years, an active member of the Dublin Society, I have constantly attended its meetings, sat on its committees—I have been practically conversant with all its internal and external arrangements—I am neither an Orangeman nor Conservative, but on principle strongly adverse both to the views and measures of both these associations, I think, therefore, I may claim for myself being a competent as well as an impartial evidence. The Dublin Society, like similar associations, necessarily consists of individuals of all creeds and of all shades of political opinion. If the society, had, as a body, identified itself, by passing resolutions or otherwise, with any of the religious or political opinions of its members, it would then be liable to the charges that have been made against it. In the first place and in the most explicit terms, I deny that it has ever done so. Let those who say otherwise, and thus calumniate the society, substantiate the charge. I have looked over the printed proceedings of the society, and I have not been able to find in them the expression of any religious or political opinion whatsoever. During the period that I have had the honour of being a member of the society, I can distinctly aver I never knew of a religious or political opinion placed before the society for their discussion. I never in the Board-room heard even the most remote allusion to those unhappy questions of national disunion. Nay more, I am in the habit of frequenting the library and conversation-room, where the members of the society may be said to meet only in their individual capacity; such perfect good-breeding prevails in this so called intolerant society, that I can declare that these subjects are more unpleasantly alluded to, and I never heard an observation that the most sensitive Roman Catholic could be offended at."

The letter continued—

"I regret that Dr. Murray was not, on the late occasion, admitted a member of the Dublin Society; not because he happened to be a Roman Catholic bishop, but because he is an amiable individual, whose manners qualify him to move in any station—whose fine and well-cultivated intellect would render him a valuable acquisition to any literary or scientific society in whose proceedings he would interest himself; in fact, Dr. Murray ought to rejoice in the vote of those gentlemen, when even the representative of majesty thought it a becoming occasion to take the unusual step of descending from the vice-regal pedestal to reprove the society in his behalf. It would appear also from the uncalled for" [he (Mr. Shaw) hoped the noble Lord opposite (Lord Morpeth) would excuse him for quoting the following passage] —" and exceedingly ill-judged letter of Lord Morpeth—that your Excellency had contemplated to offer up to him the society itself as a propitiation and a sacrifice. The country is to be deprived of the society's professors—the museum is to be closed—the drawing and modelling schools are to be shut on the mechanics—the valuable light afforded to the arts is to be extinguished—the plough-share is to be driven through the botanic garden—the Dublin Society itself is to be extinguished—its members, its objects, its labours are as nothing—because it blackbeaned Dr. Murray."

He believed, as was stated in another part of the same letter, that at the period at which Dr. Murray offered himself to the society was very unfortunate for his prospects of success. He had connected himself with the publication of a work which had justly caused much public excitement and disgust in the minds of the Protestant population in Ireland, and he had stepped from his former comparative retirement to become the political partizan of the hon. and learned Member for Dublin, by subscribing to what was termed his tribute; but, at all events, was it fitting that a mere personal matter of that nature between the society and an individual should have been made the ground of attack by the Lord-Lieutenant of Ireland upon a useful public institution? He must say, for one, that he considered the course taken by the Lord-Lieutenant in this instance unbecoming his station, derogatory to the dignity of his office, and much more suited to the atmosphere of that noble Lord's former government, than to the free spirit of a body of independent Irish gentlemen. As regarded the Lord-Lieutenant of Ireland personally, he made these observations with regret, as both personally and officially he (Mr. S.) had experienced courtesy from the noble Lord—but, both as a Member of that House and as an Irishman, he considered it his duty plainly to speak his sentiments of the conduct that had been pursued by the Irish Government in respect of the transaction then under consideration. He would ask the noble Lord opposite, (Lord Morpeth) would such an interference have been used in the affairs of the Dublin Society had it been a Protestant instead of a Roman Catholic Bishop who had been rejected? He (Mr. Shaw) was persuaded, that had any propositions been submitted to the Dublin Society by the Irish Government in a spirit of candour and fair dealing and with a *bonâ fide* view of improving its regulations, or to a wider extension of its advantages, they would have been entertained with the utmost respect, and received the fullest consideration; but he must say, that considering the trifling and vexatious nature, and the unworthy object of the recent interference on the part of the Government, and their obvious attempt at arbitrary dictation to the independent gentlemen composing that society, they were, in his opinion, perfectly justified in acting as they had done. He (Mr. Shaw) would not have objected to the present motion, if he believed that the object was inquiry; but he certainly would object and divide the House upon it, because he was satisfied that censure and not inquiry was the real object intended.

Viscount *Morpeth* did not wish to put himself forward in the present discussion, the more particularly as it might be said the Government was in a state of collision with the society. He considered that the Committee proposed by the hon. Member for Limerick, would be the proper tribunal to mediate between the two parties; and, therefore, it was that he regretted that from the turn the debate had taken, he was forced to take a more prominent part in it than under the circumstances he could have wished. It was his opinion, that if certain objections to the society could be removed, it might be continued so as to be most advantageous to Ireland; but he did not believe that the society was conducted at present so as to insure in the most satisfactory manner results so desirable. The right hon. Gentleman opposite (Mr. Shaw) had read several extracts from a letter published in the newspapers by Dr. Meyler. It was not his intention to enter into the lists with Dr. Meyler; but he must be permitted to say, that he did not think Dr. Meyler was accurately informed when he denied that the society had devoted some portion of its funds in supplying the reading-room with newspapers. In 1829 a Committee of the House of Commons sat to inquire into the Irish Estimates generally; and it appeared in evidence before that Committee, that the newspapers and reviews furnished to the reading-room were paid for out of the private subscriptions; but since that period he was informed that the expense was defrayed out of the public fund. Now, the right hon. Gentleman (Mr. Shaw) asserted, that this attack upon the society had proceeded from the Government solely on political grounds. He must deny the justice of the statement; for independently and antecedently to the rejection of Dr. Murray, when, in fact, he (Viscount Morpeth) had first arrived in Ireland, his attention had been called to various improvements which it was considered were capable of being effected in the society, and which, if successful, might have induced Parliament to increase the grant. With this view the Irish Government proceeded to consider what the nature of the proposed improvements were, and a correspondence was opened with the society, with a view of carrying these improvements into effect. But he (Viscount Morpeth) would not deny the fact, he had no wish to conceal it, that his desire to bring the consideration of the grant before Parliament was accelerated by the exclusion of Dr. Murray. He (Viscount Morpeth) would repeat, that the exclusion of such a man, from a society endowed by a grant of public money—that the exclusion of a man so gifted by nature and acquirements, and filling the high station which he did, could not be otherwise considered by the great body of the people than an insult—but, above all, the exclusion of a person so distinguished by his own personal qualifications—by unaffected piety—and by Christian virtue, before whose venerable person even strife itself stood abashed, he would repeat, that the exclusion of such a man, from the society, could only be intended as an insult to the majority of the people. He had been asked by the right hon. Gentleman opposite (Mr. Shaw) whether, if a Protestant Prelate had been rejected by the society, the Government would have taken umbrage at such an act? In reply, he could only say, that if such a Protestant Bishop as Dr. Brinkley was, and Dr. Whately is, had been excluded from the society, he should have thought it a ground of just complaint, and should have felt himself bound to ask Parliament whether or no a grant ought to be continued to a literary society that excluded men on the score either of religious or party feeling. In giving his consent to the appointment of the Committee, he did so in the hope that the advantages the society was calculated to confer on Ireland, so far from being checked, would be continued and perpetuated.

Mr. *Lefroy (D.U.)* said, if the motion for a Committee to inquire into the state of the Dublin Society were really proposed with a view to extend the usefulness of the society, as it professed to be in the introductory part of it; if it were intended to achieve such objects by granting the Committee, he, for one, so far from objecting to such an inquiry, would give the motion his most cordial support. But when he looked to the concluding terms of the notice, he could not but feel bound to resist it. The terms in which the notice was couched were extremely offensive, and too plainly indicated its real object. The terms were—"To inquire into the administration of the Royal Dublin Society, with a view to the wider extension of the advantages of the annual parliamentary grant, without reference to the distinction of party or religion." It appeared to him (Mr. Lefroy) that a direct imputation was cast upon the society, of having misapplied its funds under the influence of party spirit or religious bigotry; there was no foundation for such a charge; the real offence was, that the society had exercised a right of rejection in an instance not quite palatable to certain persons in that House. This, which is the real charge against the society, had been scarcely concealed by the hon. Member who submitted the motion, and had been reiterated by the noble Viscount who had just sat down. What was the ground of charge preferred against the society, which was the front of their offending? It was this—that they had rejected an individual who happened to be thought well of by the noble Viscount (Viscount Morpeth), and by the Lord-Lieutenant of Ireland. The Dublin Society had admitted from time to time upwards of 800 members; it had no exclusive rules—and in practice so far from being an exclusive society, they had admitted men of all religions, and of every hue of politics. And was he (Mr. Lefroy) to be told, that such a body were not competent to make rules for the regulation of the society—and that because agreeably to those rules, they had thought fit to exclude a certain individual, that, therefore, they were to be stigmatised by a vote of that House? Was he to be told, that the opinion of the Lord-Lieutenant of Ireland—high in station as he was—that his Excellency's opinion was to be put in competition with that of the whole of this most respectable body? The Lord-Lieutenant of Ireland, by adopting the course he had done, claimed not merely the right of a veto, but the actual nomination of all the persons who were to belong to the society. Was it, he would ask, just or fair, because the society exercised the right of private judgment, that they were to be dealt with in the manner now proposed? Was it just to subject them to pains and penalties, because in the exercise of that judgment, they rejected an individual whom they considered not desirable to admit into their society? When he considered the usefulness of the society—its long continuance, and that now, for the first time, the exercise of its judgment was questioned, he must say, that the course adopted by the Irish Government savoured of tyranny and oppression. What sort of liberality was this from those who claimed, exclusively, the title of liberals, to make their own judgment the only standard for others? It was impossible any man could imagine that the object of the proposed inquiry was to extend the usefulness of the society the silly and trifling details into which the hon. Mover had gone with respect to the newspapers—the admission of members for pounds instead of guineas, and other equally trivial suggestions, showed that he had no real grounds on the score of misapplication of the funds to sustain the motion. The object, therefore, was manifestly with a view of dragooning the society, and of telling them that if they did not bow down before the dictation of the Irish Government, and make the *amende* to the Lord-Lieutenant, they were to be deprived of the national grant. If such were not the object, why were the topics introduced into the motion which had been, and why was it supported by the noble Lord? In his opinion it would be much more manly, at once, on the part of the Government to say, we will not give you this grant because you refused to admit Dr. Murray. The right hon. Gentleman concluded by stating his determination to oppose the motion.

Mr. Sergeant *O'Loghlen* said, the rejection of Dr. Murray did not speak the sentiments of the whole society; for, by the rules of the society, a power of rejection was vested in the minority which ruled the decisions of the society. He should certainly, when the question was brought on, vote against granting a sum of 5,000*l.* a-year to an institution of which the minority (and he knew that Dr. Murray was rejected by the minority) could direct the proceedings for party purposes.

Sir Edward *Knatchbull* said, it appeared to him that no case whatever had been made out for inquiry. The right hon. and learned Gentleman who had just sat down could not surely have considered the subject, when he said that the minority of the society controlled the majority. It was true that, according to the by-law, a certain number of black-balls excluded, but it was competent for the society to call a general meeting, and rescind that by-law, that is, if the majority considered it advisable so to do. Therefore, according to the argument of the Attorney-General for Ireland, all that was necessary to do was to convene a general meeting of the Society, and the majority of the Society being (as the right hon. Gentleman, Mr. O'Loghlen, said) favourable to the admission of Dr. Murray, the by-law must of course be rescinded, and the reverend gentleman at once become a member. It was impossible to conceal it—indeed the noble Lord scarcely attempted to do so—that this inquiry was sought solely on the ground of the exclusion of Dr. Murray, notwithstanding that for thirty years only five persons had altogether been refused admission. As to the newspapers being paid for out of the public funds, he was sure that the slightest intimation from the Castle would put a stop to the practice. It was, therefore, idle to suppose that a Parliamentary inquiry was necessary for such a subject, and if his right hon. Friends should press the matter to a division, he (Sir E. K.) should certainly support them.

Colonel *Perceval* said, before an inquiry were instituted, it was necessary that a case should be made out against the society; but the only complaint preferred by the noble Lord regarded the payment of a few newspapers. The society had existed for upwards of 100 years, and had conferred great benefits on Ireland. For the last thirty years five persons only had been rejected. The learned Member opposite (Mr. O'Connell) was one of those rejected, but surely that was no reason why the despotic interference of the Government should be interposed in the way it had been attempted. It was the privilege of every society to choose their own associates, and no person could surely accuse the society of bigotry, when it was an ascertained fact, that in that period eight hundred members were admitted, and only five rejected. It was not the fact, as stated by the Attorney-General for Ireland, that Dr. Murray was excluded by a minority. The by-law was framed by the majority—a bare majority was capable of making it, and a bare majority could rescind it. It was manifest that the object was to give the Lord-Lieutenant the power of nomination of members of the society in the same way as he is to appoint constables. If the society submitted to the dictation of the Irish Government, and that they afterwards elected him, he should consider himself disgraced rather than honoured by the election. The noble Lord said, that if such a Protestant as Dr. Whateley had been rejected, he would have taken equal umbrage at it. He believed Dr. Whately was Archbishop of Dublin; if so, he (Col. Perceval) was not surprised at it, as Dr. Whateley was known to hold opinions in unison with those professed by Dr. Murray and the noble Lord opposite.

Mr. *Duncombe* said, that an English Member (Sir E. Knatchbull) having spoken, he felt no delicacy in giving his opinion, which was, that a sufficient case had been made out for inquiry, on the sole grounds of misapplication of its funds. It was his (Mr. Duncombe's) opinion that the House had nothing to do with the rejection of Dr. Murray, and his vote would be given, if the question were pressed to a division, on totally distinct grounds from that rejection.

Mr. *Fitzstephen French* said, he should support the proposition of his hon. Friend for inquiry. As it appeared to him, the ballot ought not to be retained in a society obtaining grants of public money. He regretted the mention that had been made of Dr. Murray. If the principle of the ballot were admitted, it was not the province of that House to interfere with its exercise; nor was it a matter of much moment to the House whether Dr. Murray, Dr. Whately, or Lord John Beresford were members of the Society. In his opinion, it would have been more consistent with the dignity of the House, and more in accordance with the feelings of the respected individual, if his name were not introduced.

Viscount *Morpeth* was bound to admit that the circumstance of Dr. Murray's rejection alone would not have been sufficient grounds for Parliamentary inquiry. The strong case was this, that the Government had proposed a series of regulations to the society which they had rejected; and, therefore, when the Government had to propose a grant for a society with which they were in collision, he thought the House was bound to step in and arbitrate between them.

The House divided:—Ayes 49; Noes 13; Majority 36. The Committee was appointed.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Bagshaw, J.
Baines, E.
Baldwin, Dr.
Barron, H. W.
Barry, G. S.
Berkeley, Hon. C.
Blake, M. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.

Brocklehurst, J.
Brodie, W. B.
Callaghan, D.
Chalmers, P.
Dillwynn, L. W.
Duncombe, T.
Ewart, W.
Fergusson, Hon. R.
Fielden, J.
French, F.
Grattan, J.
Hallyburton, D. G.
Heathcoat, J.
Hector, C. J.
Hodges, T. L.
Lennox, Lord G.
Lennox, Lord A.
Lynch, A. H.
Marshland, H.
Morpeth, Lord Visc.
Musgrave, Sir R.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Loghlen, Sergeant
Pendarves, E. W. W.
Potter, R.
Rooper, J. B.
Scholefield, J.
Sheldon, E. R. C.
Thompson, Colonel
Thorneley, T.
Trelawney, Sir W.
Vivian, J. H.
Wakley, T.
Wallace, R.

TELLERS.

Baring, F.
Smith, V.

List of the Noes.

Bruen, F.
Dunbar, G.
Estcourt, T.
Estcourt, T.
Forbes, W.
Gaskell, J. Milnes
Knatchbull, Sir E.
O'Neil, Hon. J. B. R.
Plunkett, Hon. R. E.
Shaw, Rt. Hon. F.
Spry, Sir S. T.
Tennent, J. E.
Vesey, Hon. T.

TELLERS.

Lefroy rt. hon. T.
Perceval, Colonel.

HOUSE OF LORDS,
Thursday, March 24, 1835.

Minutes.] Bills. Read a third time:—Administration of Justice in the West Indies.

Petitions presented. By the Earl of Westmorland, Lords Dundas, Ellenborough, and the Bishop of Chester, from various Places,—praying for the Alteration of the Ecclesiastical Courts' Consolidating Bill.—By Lord Dundas, from several Manufacturers, praying for Repeal of Factories Regulation Act.—By Lord Langdale, from Drogheda, for the Repeal of the Stamp-duty on Newspapers.—By Lord Glenelg, from various Places, in favour of Mr. Buckingham's Claim for Compensation from the East-India Company.

Constabulary—(Ireland).] Upon the motion of Lord *Duncannon* the Constabulary Bill (Ireland) was read a first time. Upon his Lordship proposing that it be read a second time on Monday next,

The Duke of *Wellington* objected to this, as a very irregular course. The Bill had not as yet been printed, when their Lordships were told they should be called upon to discuss it on Monday next.

Lord *Duncannon* had hoped that the Bill would be printed and in the hands of noble Lords by Saturday; and it was therefore he proposed the second reading for so early a day as Monday. If the Bill was not printed on Saturday he should not, of course, think of persevering. Bill read a first time.

Municipal Act Amendment.] Viscount *Melbourne* said, that if the noble Duke opposite had any objection to the Constabulary Bill being read a second time, his Majesty's Government should not persevere, the more particularly as they were exceedingly anxious to pass a Bill which he then held in his hand—the Municipal Act Amendment Bill—if possible, before the first day of Term, as if the Bill were delayed to a longer period, it would cause a great deal of public inconvenience, and give rise to a great deal of litigation. That Bill might be read a first time now, a second time to-morrow, and if no serious objection were found to exist to its principle, it might be passed before the recess, which it might be, as it was not intended to adjourn the House until Thursday.

The Duke of *Wellington* said, it was very unusual to protract the adjournment of that House, at least, until Thursday. It was usual to adjourn on Wednesday, and therefore the time which the noble Lord proposed was to be gained by an unusual course of proceeding. The Bill which the noble Lord was so anxious to pass before the recess referred, as their Lordships were told, to a Bill which had passed through that House during the last session of Parliament. Now, there were many of their Lordships who would be, doubtless, anxious to compare the two measures, and if the present Bill were hurried through the House in the manner it was proposed, they would not have the opportunity. The noble Lord proposed to read the Bill a first time to-night, a second time to-morrow night, and then commit it for Monday. This, he thought, was proceeding with a degree of haste quite incompatible with the proper consideration of the measure.

Viscount *Melbourne* was anxious that this Bill should pass, merely because it would save a great deal of expense to the public. If the noble Duke, however, wished to subject the public to the inconvenience and the expense that must be incurred from the law being left in its present condition, he (Lord Melbourne) should, however unwillingly, acquiesce, as he could not press the second reading in opposition to the noble Duke and the noble Lords opposite.

The Duke of *Wellington* had simply asked for time to give the subject that full and mature deliberation to which the noble Lord himself considered it entitled, and he thought it not quite fair to impute to him a wish to put the public to inconvenience and expense.

The *Lord Chancellor* said, that it was of the utmost importance that the Bill should be passed before the first day of next Term, if possible. A number of proceedings had been commenced under *quo warranto*, which, if the present Bill were not passed into a law before the beginning of Term (the 15th of April), would be renewed at very great expense and inconvenience to the parties. That was the reason his Majesty's Government were anxious that the Bill should be passed before the recess.

Lord *Ellenborough* had read the Bill in a cursory manner certainly; but from what he had seen of it, he had no hesitation in expressing his conviction that it would be quite impossible to pass it before the recess.

The Earl of *Harrowby* thought the noble Duke near him had been very unjustly charged with an indifference about the passing of this Bill, the delay of which their Lordships were told would produce so much expense and inconvenience. If there were any blame to be attributed to any parties, it was to those who were aware that such a measure was necessary, and that its delay beyond the first day of Term would be attended with so much inconvenience, yet delayed to introduce it until it was quite impossible it could pass through their Lordships' House before the recess, unless it were hurried through with very indecorous haste. If the noble Viscount and his Majesty's Ministers were so persuaded of the importance of this measure passing before next Thursday, why was it not introduced before the 24th March.

Viscount *Melbourne* said, that both the noble Duke and the noble Lord (Harrowby) appeared to have mistaken the proposition he had submitted to the House. He merely asked that the Bill should be read a first time now—that its second reading should be fixed for Monday, and if on the discussion on the second reading no very serious objection were stated to the Bill, it might be passed before the recess. If, however, any serious objection were stated to the Bill on the second reading, he should not, of course, persevere in his anxiety to have it passed before the recess.

The Marquess of *Lansdowne*, said there could be no objection, at all events, to the principle of the Bill, which was only to explain and amend. If any objection were found to the details, surely it might be stated and urged in Committee.

Bill read a first time.

COURT OF CHANCERY (IRELAND) AMENDMENT BILL.] Lord *Plunket* begged to introduce a Bill for the improvement of the Court of Chancery (Ireland). By this Bill it was proposed to abolish the six clerks, and to have their duty performed by other officers at a less expense, though more conveniently to the public. The proposition for the abolition of the six clerks did not proceed from any conviction of the inefficiency of the gentlemen at present filling those situations, for he believed they had conducted themselves with perfect propriety. Instead of the registrar being appointed, as at present, by the Crown, it was proposed that the other clerks should rise to this office by seniority. It appeared that the business of other courts, the Exchequer for instance, was got through in a very satisfactory manner, without the six clerks; and he thought that they might be therefore abolished in the Court of Chancery. As there was to be an abolition of offices to which considerable emolument was attached, it would be necessary to give compensation; which, however, would not fall upon the public, though it ultimately might upon the Consolidated Fund. It was proposed, however, in the first instance, to give the compensation from what was called "The Compensation Fund;" and, that being insufficient, "The Chancery Suitors' Fund;" and it might be ultimately necessary to have recourse to the Consolidated Fund.

Lord *Ellenborough* said, that the noble Lord had not opened this Bill in a very explanatory manner, and that the aspect of the measure was not a very economical one. Officers were placed by it on the Compensation List, whose services were to be transferred to others, and paid for accordingly in addition. In real reforms, the only officers who should be put away were those whose services could be dispensed with. He thought the course the noble Lord proposed to pursue was dangerous to the interests of the parties he interfered with, and that similar dangers existed with regard to the Ecclesiastical Courts Bill. If the compensation clauses were struck out in the Commons great injustice would be done, for which no remedy could be had in their Lordships' House, unless some actual alteration was made in the other House, which would enable their Lordships to exercise their judgement again on the Bill.

Lord *Plunket* explained, and pointed out that the routine of promotion which had been provided would be available to the six clerks, who would be first appointed registrars, and would thereby sensibly lighten the burthen of compensation on the two funds alluded to.

Bill read a first time.

SLAVE TREATY—SPAIN.] Lord *Glenelg*, on moving the second reading of the above-named Bill, very briefly stated its object. The treaty, he said, was one of those measures in which this country had been engaged with a view of carrying into effect the total abolition of slavery. The treaty, the subject of the present Bill, was signed in June, 1835. Another on the same subject, between this country and Spain, was entered into as long ago as 1817; and the Bill which he had now the honour of proposing for second reading was an improvement of that. This treaty extended the latitude and longitude of the former treaty, as to the right of searching vessels suspected of carrying on the slave-trade; it comprehended within it the whole coast of Africa, where it was likely that the trade would be carried on, from 27 degrees north latitude, and 30 degrees west longitude of Greenwich. The Mediterranean had always been excepted from the right of searching vessels. One great improvement which the present treaty embodied over the old one was, that the vessels engaged in the traffic which were captured were all to be broken up. Now, heretofore they had been sold, and it was not unfrequently the case that, after they had been disposed of, they were again employed in the same unworthy trade.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, March 24, 1836.

MINUTES.] Bills. Read a first time:—Fisheries Regulation (England); Holyhead Road; Lunar Months.

Petitions presented. By Sir THOMAS FREEMANTLE, from the Inhabitants of Pimlico, in favour of the London Grand Junction Railway Bill.

MANCHESTER AND SALFORD CANAL.] Mr. *Harvey* said, that seeing the noble lord (Lord F. Egerton) in his place, he would now present a petition, of which he had given that noble Lord notice. It was the petition of John Sothern, the acting trustee under the Duke of Bridgewater's will, and the sole superintendent of the vast estates comprised under that will. There was at present before the House a private bill, the object of which was to effect a junction of the Rochdale Canal with the river Irwell. The petitioner, Mr. Sothern, who asserts that he is the sole superintendent of the Duke of Bridgewater's property, stated in his present petition that he felt it his duty, on the 10th of March, to present a petition against that bill, and that that petition was ordered to be referred to the Committee on the bill. Subsequently a petition was presented to the House by the Archbishop of York and the Earl of Devon, who were also co-trustees with Mr. Sothern, and in it they complained of his conduct in three respects—first, that he had made no communication to them, as co-trustees, of his intention to oppose the bill; secondly, that he had made no such communication to the noble Lord, the Member for South Lancashire, who was so deeply interested in the matter; and thirdly, that in spite of the negotiation still going on between the noble Lord and the trustees and other parties on the subject, Mr. Sothern had presented this petition. It was to defend himself against these imputations that Mr. Sothern had requested him (Mr. Harvey) to present this petition to the House. In regard to the first imputation he stated, that though the Archbishop of York and the Earl of Devon were co-trustees with him, they were only nominal trustees, and that in no sense of the word had they any connexion with, or control over, the property in question. The prayer of the petition was, that it might be referred to the Committee on the bill, and the object of the petitioner in presenting it was, to set himself right with the noble Lord, who was the proprietor of those estates, and whose censure he had incurred. As to the second charge made against him—namely, that he did not communicate to the noble Lord his intention to oppose the bill, the petitioner stated that he had caused a communication to be made to the noble Lord of his intention to oppose the bill, and stating the grounds upon which he intended to oppose it, and that such communication was delivered at the town residence of the noble Lord. The petitioner expressed his regret at finding that such communication had not reached the noble Lord's hands. With respect to the third charge made against him, as to a negotiation being still going on between the parties, and that in defiance of it he had presented his petition against the bill, the petitioner stated that he was not then aware of it, but that if he had been, it should not have at all influenced him in his conduct, as he, being the sole superintendent of the estates under the will of the Duke of Bridgewater, had a right to forward whatever measures he thought calculated to promote the interests of that property, and to oppose any measures that in his opinion tended to injure it. The petitioner stated that it was in the conscientious discharge of that duty he had presented the petition against the bill, believing, as he did, that if it should pass into a law it would substantially prejudice the property of which he, the petitioner, was guardian, and the interests over which he presided.

Lord *Francis Egerton* said, that he had no intention to object to this petition being referred to the Committee; still less was it his intention to occupy the valuable time of the House with any detail of the circumstances bearing upon any question between the person who had signed the petition and himself, and indeed it would be quite impossible for him to explain those circumstances in any mode or manner so as to enable the House to form a judgment, if it were called upon to do so, as to the nature of this transaction. With regard to what had fallen from him on a former occasion, it appeared that the petitioner felt hurt by it. It was quite out of his power, however, to suppress the fact that there was a decided difference of opinion between the petitioner and himself as to the mode in which the affairs of this concern—a concern in which the public were as much interested as he was—should be conducted; and if the House had formed any opinion to the prejudice of Mr. Sothern on that score, he had not called for it. It was an opinion that arose immediately from the statement of the facts of the case made by him. It was no object of his to call for the sentiments of the House, in any shape, on the conduct of that individual. It was true that he had used strong expressions with regard to the conduct of another individual, acting, as he supposed, according to the instructions of Mr. Sothern. He had said, on that occasion, that the petition, on a subject in which he was interested, both as a Member of Parliament and as a private individual, had been put into the hands of a Member of that House in a surreptitious way, and in a manner which he should not further condescend to characterize. It was put into the hands of the hon. Member for Bradford, and not the slightest previous intimation given to him (Lord F. Egerton) on the subject, though he was so deeply interested in the matter. He confessed that he did think that no hon. Gentleman would have presented such a petition without having given him notice of its contents, as the hon. and learned Gentleman opposite had done on the present occasion. It was of such conduct that he had complained, and he thought he had a right to complain. With regard to the assertion contained in the petition, that he, the petitioner, had taken the present step in order to remove any bad feeling that might exist towards the petitioner on his part, he did not see how it was to be effected in this way. It was quite out of the question that he (Lord F. Egerton) should call the attention of the House to the proceedings which had been taken in this matter by this individual. He could only state that it was his determination to call for the judgment of a court of equity upon all the points involved in the question between Mr. Sothern and himself. To such a tribunal he should look for redress. It was with great reluctance he came to such a decision. He did not know any gentleman who would resort to the Court of Chancery without considerable reluctance. To it, however, he was driven, and to it he should resort, with a view to protect interests which were as much those of the public as they were his own. He would not say more on this occasion further than this—that he would look to the Committee on the bill for any protection it could afford him against any unnecessary accumulation of expense, and that it was not, under such circumstances, his intention to object to this petition as well as the other petitions being placed before it.

Petition referred to the Committee on the Manchester and Salford Canal Bill.

TAXATION OF THE COUNTRY.] Mr. *Robinson* claimed the kind indulgence of the House while he submitted to its consideration not any preconceived principles of his own merely, but which were also entertained by some Members of the House whose opinions were entitled to the highest respect. Though his right hon. friend, the Chancellor of the Exchequer might think he (Mr. Robinson) was interfering with the duties which properly belonged to his office, yet he (Mr. Robinson) begged to state, that the principles which were embodied in the resolutions of which it was his intention to move the adoption, had received the support of the right hon. Gentleman and his colleagues when they were, in the year 1830, brought forward by the present President of the Board of Trade. The question then was, as now, to make the pressure of the present system of taxation less unequal, and to relieve the labouring classes from the burdens they now unjustly sustained. He hoped, therefore, the Government would admit that this was a fit and proper subject for the consideration of the House. In bringing it forward, he should trespass on the time of the House the shortest possible period, and he believed the best course he could pursue in furtherance of that object would be to read the resolutions he meant to propose one by one, and make upon each of them such remarks as to him appeared necessary. The first resolution was as follows:—"That the public income is now raised by taxes imposed during the exigencies of war, or under circumstances so inapplicable to the present state of the country, that a revision of our financial system, with a view to improvement, would be highly beneficial to the nation at large." Now, would anybody deny that such a revision was likely to be attended with advantage to the country? The speech of the right hon. Gentleman, the President of the Board of Trade, in 1830, on bringing forward his motion for a Committee of Inquiry, was in direct corroboration of the correctness of the opinions he (Mr. Robinson) entertained. The right hon. Gentleman had, on that occasion, then sitting at that (the Opposition) side of the House, received the support of 79 hon. Members, and when he (Mr. Robinson) had brought forward the same subject on the assembling of the first Reformed Parliament, the House would remember that in a House constituted of 380 members, his motion had, on the division, been supported by 157, and that the force and power properly exercised by the Government brought to their aid 223 supporters, thus giving them a majority of 66 votes. This was, in his judgment, a virtually pronounced opinion that the present system of taxation was unfitted to the present state of the country, and that a revision of it would be advantageous to the country. He knew that his right hon. Friend might say he was actively occupied in endeavouring to ascertain how the system of taxation could be improved, and he (Mr. Robinson) should be wanting in candour if he did not admit that recently considerable improvements had been effected. He, however, objected to leave to his right hon. Friend, the Chancellor of the Exchequer, this subject, because, even if a particular tax was admitted to operate injuriously, the proposition for its repeal would be answered by the announcement that there was not such a surplus revenue as would justify its repeal. He (Mr. Robinson) was rejoiced even to see the right hon. the President of the Board of Trade in his place, because he wished to remind him of his own words used in support of a motion precisely similar in its nature to the present. The right hon. Gentleman had then said, "It is not of the amount of revenue that I complain; it is not of the extent of taxation. It is not the sum of money which passes into your treasury: it is the manner in which you raise it, which checks your industry, destroys your energy, and must leave you at last to ruin and poverty."* In that sentiment he (Mr. Robinson) concurred, and he would maintain that, of all the reforms of which so much was now heard, none was more important, or better calculated to render greater benefits to the whole community, than a reform in the financial system of the country. Of such a reform, however, little was scarcely ever heard. The people looked for it; for though comparatively but few petitions had been presented expressly in support of his motion, yet he claimed the numerous petitions for a reduction of taxation as applying to it, inasmuch as without a revision no reduction or removal of pressure could take place. If the right hon. the Chancellor of the Exchequer complained of this motion as an intrusion upon the functions of the office he filled, he (Mr. Robinson) would answer that, despite of the Government, it was the duty of every Member of that House to look to the pressure of taxation upon his constituents. With that view he sought a declaration from the House, by the adoption of his motion, that the present system of taxation was injudicious, that its operation was unjust, and that by revision it was susceptible of improvement. To this proposition he could not anticipate any opposition. He was happy to learn, notwithstanding the gloomy predictions as to the amount of each succeeding year's revenue in this great country, and in which he had participated, that those revenues continued to improve. He, however, could not hope for a judicious revision of the system of taxation (while even a surplus revenue existed) at the hands of the Government, inasmuch as they were obliged to yield to the pressure from without. This was admitted by Lord Althorp when Chancellor of the Exchequer in reference to the house-tax. That noble Lord had declared that he had been obliged to give up his own judgment in consequence of the pressure. Perhaps he was not warranted in stating that the right hon. Gentleman was about to give up a considerable portion of revenue derived from Newspaper stamps, for the same cause; but he might be permitted to state that, judging from the opinions which the right hon. Gentleman expressed last year, the last thing which he should have expected from the right hon. Gentleman was his volunteering to reduce that particular duty. Let it not be supposed from anything which he had said, that he was sorry the Stamp Duty on Newspapers was to be reduced; on the contrary, he was glad of it, because he had always advocated the repeal of every tax which had a tendency to limit the diffusion of knowledge. It had frequently occurred to him, that the continuance of the present system of taxation would furnish the advocate of universal suffrage with a very powerful argument in support of his theory. Could it, for a single moment, be supposed, that if the great mass of the people had a direct control over the deliberations of this Assembly, they would permit such a principle of taxation as now prevailed to exist for a single year? No; it could exist only under a system of partial representation. When Parliament, two years ago, made an important alteration in the poor-laws, the effect of which was to prevent the poor man from leaning for support upon his more affluent fellow-subjects, he thought that measure ought to have been preceded by a remission and commutation of taxes; and, he believed, that if such had been the case, the new system would have worked more advantageously. He would next proceed to his second resolution; but before proceeding further, he would state that he would take the sense of the House upon the first resolution, but he would not trouble the House to divide upon the others, contenting himself with having them placed upon record. The second resolution which he intended to move was to the following effect:—"That taxation was chiefly levied on articles of necessary consumption, by which the burdens of the people were enormously increased, and their comforts diminished, without any corresponding benefit to the State; the trader and retail dealer being obliged to charge a profit both upon the duty and the prime cost." He believed that the proposition embodied in that resolution no one would have the temerity to deny. But it might be said, in defence of the present system, that it was an easy mode of raising the public revenue; but, in his opinion, the first consideration ought to be, what is the most just mode? The existing mode pressed most hardly on the poorer classes, because they were obliged to pay much more for duty, independently of the charge of collection, than ever found its way into the public Exchequer; while it afforded to the wealthy classes the means of escaping from the pressure of that due proportion of the public burdens, which their means enabled them to bear. A person having an income of 10,000*l.*, might, if he chose, confine his expenditure to 500*l.* per annum, and, in that case, the amount of taxation which he would be called on to pay to the State, being measured by his annual expenditure, would bear no just proportion to the amount of his property. Or, by becoming an absentee, he might escape taxation altogether, while he would enjoy the advantage of having his large property placed under the protection of the State. This was a state of things which ought not to be allowed to continue, as great injustice was inflicted by it. Adam Smith—than whom there was no better authority on the subject—laid down two principles, which he said should govern a Legislature in imposing taxes: the first was, that every person should be taxed in proportion to his income; and the second was, that the taxes should be so arranged as to take as little as possible out of the pockets of the people, and to bring as much as possible into the Exchequer. He did not mean to assert that, with the present amount of the public burdens, and the complicated system which existed in this country, that these principles could be carried out to a full extent, but still the public burdens might be so apportioned as to make it appear that, in this country, we did not run directly counter to those principles. He admitted that there had been a great reduction in the amount of taxation; but still many taxes now fell heavily on the people which ought not to be continued. He found in a Parliamentary paper before him, that there had been a reduction of taxes to the amount of 32,000,000*l.* since the year 1815; but, out of this large amount, not less than 28,000,000*l.* were taxes which fell on the landed interests and the aristocratic classes. During the last four years, he admitted that Parliament had pursued a more just course, by directing their attention to the repeal of taxes which fell on the labouring classes, and on the productive industry of the country. It was the bounden duty of that House, as well as of the Government, to get rid of the odious Excise laws, which so largely and injuriously interfered with the manufactures of this country. He was sure that the right hon. the Chancellor of the Exchequer would take off many of the taxes, if he could with safety. He would call upon the House to sanction his proposition, that it might appear that they were prepared to support his right hon. Friend in making such reductions when he was able to do so. He maintained that taxes which fell on articles of necessity, were taxes on property as regarded the labouring classes, and they were much more injurious than direct taxation would be. The third resolution which he had to propose, was—"That the Excise laws and regulations interfere most injuriously and oppressively with various branches of trade and manufactures, with the employment of capital and labour at home, and with the freedom and extension of foreign commerce, and that they greatly raise the cost of subsistence on the labouring classes of the community." He would instance the tax on paper as a most injurious impost; and he trusted that the right hon. Gentleman was prepared, if not to take off this duty entirely, at least greatly to modify it. There could be no doubt that, if the paper-duty were taken off, we should very largely export that article. Again, the tax on glass had tended greatly to impede the manufacture of that article; and he had no doubt if it were entirely removed, that, in a short time, we should supply the world with that article. The Excise regulations were a most inconvenient interference with the manufacturer, and tended to enhance the price of glass much beyond the amount of the duty. The tax on bricks was also a most objectionable impost. He had only just received the Report of the Commissioners appointed to inquire into the Excise on this article; but they strongly recommend that it should be repealed. They state that, as far back as fifty years, Mr. Pitt declared that it was a most unequal and oppressive impost; and that it ought to be repealed without delay; and yet, at the expiration of half a century, it was continued in full vigour. The fourth resolution which he had to propose was—"That the unequal pressure of taxation is increased by the levy of an uniform duty of Customs, without reference to the value of various articles of the same denomination." He was not an advocate for *ad valorem* duties in all cases, because in some instances they might become oppressive. The present system, however, was most unjust, in consequence of its inequality. He would refer the House to several instances of this. In the first place, the duty on sugar was most unequal, and fell much heavier on one quality than another of that article. He might be told that they could not put an *ad valorem* duty on this article, in consequence of the difficulty there was in distinguishing between the different qualities of sugar. He thought that this was a mere subterfuge; but, at any rate, it was a reason for making an alteration in the present system. He thought that our fiscal system was most objectionable on this point. It appeared that the price of sugar varied between thirty and sixty shillings a hundred weight, and yet there was not an *ad valorem* duty, nor even an approach to one. The hon. Gentleman then proceeded to enumerate a number of other articles, which were affected in a similar manner by the present system, such as madder, tea, coffee, wine, &c. The fifth resolution was, "That the stamp, legacy, and probate duties are most unjust and partial in their operation on transfers, obligations, securities, and other instruments of small value, compared with those of larger amount; and that a considerable portion of the wealth of the nation is altogether exempt from the legacy and probate duty charged upon other descriptions of property." The changes he had intended to propose on this point had, to a considerable extent, been anticipated by his right hon. Friend a few evenings since. He was greatly delighted with the statement he then heard, but regretted his right hon. Friend was not prepared to go much further. He could not help alluding, on this subject, to what appeared to him to be an inconsistency on the part of the right hon.

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* Hansard, vol. xxiii (New Series) p. 863.

Gentlemen. It would be in the recollection of the House, that, about two years ago, Mr. Cobbett brought forward the subject of the Stamp-duties, and exposed many of the abuses which existed under the then system, and the right hon. Gentleman then came down to the House and strenuously resisted the motion of Mr. Cobbett. After the lapse, however, of some time, the right hon. Gentleman proposed a change nearly to the effect of that formerly proposed by Mr. Cobbett, and which the right hon. Gentleman then so strongly opposed. He could not help alluding to this as an instance of the manner in which persons in office were in the habit of supporting whatever was the existing system. He would not go into any detail on this part of the subject, as other opportunities would occur of discussing it. He felt bound, however, to state on this point that nothing would satisfy him unless real property should be taxed, as regarded the probate duty, as much as other descriptions of property. As the law at present stood, a person might have landed property to the value of a million sterling without paying a shilling duty, whereas the smallest sum of personal property was heavily taxed. This tax fell too with peculiar severity on those to whom small annuities were left. He did not think that a proposition for equalizing this tax could be resisted successfully if the justice of the case were looked to. If, however, it was opposed, it would be stated that such opposition originated in the circumstance that the majority of the Members of both Houses were landowners. The next resolution was—"That by so impolitic and complicated a state of finance, the cost of collecting the public revenue is greatly enhanced, and the burthens of the people further augmented." The charge of collection in consequence of the taxes being derived from so many sources was extremely heavy. It was no less a sum than 3,582,635*l.* a-year, besides incidental expenses to the amount of 738,779*l.* making together a sum of 4,321,414*l.* He did not anticipate that his resolutions would be carried, but he wished to place them on the Journals of the House as indications of the opinions he entertained as to the unjust and oppressive financial system existing in this country. The seventh resolution which he had to propose was—"That the return to a gold standard in 1819, followed by the suppression of small notes in England and Wales, has materially changed the relative condition of the productive classes and of those who possess the wealth and capital of the nation." The subject of this resolution had no immediate reference to the other resolutions; but he wished to record his opinion on the question of the standard of value. He had no wish to go into the discussion of that subject at present, but he was bound to observe that in his opinion the alteration which was made in 1819 had enormously increased the value of money, and this had virtually operated to press on the industrious classes. The eighth and last resolution he intended to propose was as follows—"That for these reasons it is the bounden duty of this House, not only to repeal and reduce taxation to as great an extent as may be compatible with the maintenance of national credit and the necessary demands of the public service, but also closely to investigate the whole state of our finance, with the view to such judicious alterations as may relieve the labour and industry of the country, and comprehend within the range of contribution to the public service all property protected by the State, without distinction or exception, so that the pressure of taxation may be lightened by a more just and equal distribution of the public burthens amongst all classes of his Majesty's subjects." He did not think that it was necessary for him to trouble the House with any observations on this resolution. The first resolution recognised the principle that no extensive relief could be afforded unless all the property in the country was comprehended within the sphere of taxation. He believed that the present system of taxation operated in an inverse ratio to the means of the parties upon whom it fell. He might be told that they were involved in a dilemma, and that taxation must fall heavier on one class or the other of the community. Admitting this to be the case, the question then was whether an undue proportion did not now fall on the labouring classes. He did not say, that taxes could be raised without doing some injury or another. He did not argue necessarily in favour of a property-tax, but rather with a view to shew that too large a portion of the revenue was levied from the industry, and too small a portion from the property of the country. He wanted the House to recognise that principle; and so impose on this and every succeeding Government, the necessity of endeavouring to remedy, as far as they could, the evil of such a system. The way to do so was another question; but if they once set about it in a determined spirit they must succeed. The objections to a property-tax though specious and numerous, resolve themselves into nothing more or less than a reluctance on the part of the wealthy classes of the community to put their hands into their own pockets. There was no other difficulty connected with the subject. It might be said, that attempting to establish such a tax would be too inquisitorial a proceeding; but were not the excise-laws, and assessed taxes of an inquisitorial character? Was not the former property-tax inquisitorial? With regard to that tax, it had been urged that it was of so odious a nature, that the Government was forced by public clamour to repeal it. He had attended to the history of that tax, and he could discover no symptoms of its general unpopularity. It certainly was not got rid of on the petitions of the people; for only fourteen counties out of eighty-four petitioned for its repeal, and only fifty-six towns out of 1,186 sent up similar petitions. In a House consisting of 468 Members, the repeal was carried only by a majority of thirty-seven, and the Minister of the day was forced to give up the tax against his better judgment. If the House adopted the principle of his resolutions, it would be of greater advantage to the country than the adoption of Reform upon any other subject, and would do much to conciliate the minds of the labouring classes. He should, perhaps, feel less disposed to argue this question, if he could flatter himself that the happy state of things he was anticipating was likely to be brought about, without the adoption of such principles; but without meaning to prognosticate on the subject, he certainly thought that they could not calculate upon permanent prosperity amongst the labouring classes, so long as the present system was allowed to continue. Even if they could, that circumstance would be no argument against the fair adjustment and settlement of the question of taxation. He gave every gentleman in the House credit for desiring to ameliorate the condition of every class in the community; but if their condition were good now, and could be made better by the adoption of a course which, undoubtedly would improve it, he was sure every gentleman would support such a measure. Ought not the Government also to adopt it? Would it not gain them additional respect,—tend to the general improvement and contentment of the people,—and give additional stability to the Throne and the Constitution. In conclusion, he begged distinctly to state that in bringing forward this subject he had no intention to impede or embarrass the Government. He had already adverted to the opinions formerly expressed on this subject by the right hon. the President of the Board of Trade, and he would refer the House to the speech made on this subject in 1828 by the late Mr. Huskisson, a statesman for whom he entertained a sincere respect, although it was his fortune often to differ from him. The hon. Gentleman concluded by moving the first resolution.

The *Chancellor of the Exchequer* did not quarrel with his hon. Friend for having brought this subject under consideration, though, no doubt, the House would have wished that it might be postponed. As it was, he was glad that the speech of his hon. Friend had been listened to with so much attention, and he would briefly endeavour to touch on the various points to which the hon. Member for Worcester had referred in the observations he had made; and he trusted he should be able to show that it would not be expedient to give the sanction of the House to the propositions of his hon. Friend. One great fallacy pervaded the whole of his remarks. He attempted, by the exclusion of facts of the greatest possible importance, to lead the House to judge upon a partial view of the case, and to draw inferences unsustainable on sound reason and argument. In the first resolution the hon. Gentleman stated, that the public income was made up from taxes imposed during the exigencies of the war. Now, a certain portion of it was undoubtedly so raised, but the hon. Gentleman excluded from his resolutions all mention of the large proportion of the war taxes which had been repealed since the peace; he did not say one word on the subject, and any person unacquainted with what had been done by successive Governments would suppose, that for a peace establishment and a peace expenditure the nation was called on to pay taxes imposed during war, in which no deduction or remission had taken place. It was most material to bear in mind that the war expenditure was not entirely defrayed by taxation, but was to a great extent supplied by loans, the interest of which had now to be provided for; so that to the regular peace expenditure was to be added the amount of interest on the whole debt contracted during the war. The hon. Gentleman urged that a revision of our financial system was necessary. What was the House and the Government doing every day? Every time that a proposition was brought forward for the repeal of a tax, they were practically reducing the national expenditure, and the question was, whether it was wiser to continue that course, and to apply the surplus revenue of the country in the best way they could for the relief of the public, or not to inquire into the subject, as the hon. Gentleman had formerly proposed, but to leap at once to an absolute conclusion, that the whole system of our taxation required revision and alteration. He had objected, on a former occasion, to the hon. Member's motion for a Committee, and he objected still more decidedly to the propositions contained in the resolutions now submitted to the House. His hon. Friend seemed to think he had got some claim on the support both of himself and his right hon. Friend (Mr. Poulett Thomson), because in 1830 they had supported a motion for an inquiry into the taxation of the country. This would be an extremely good argument if the circumstances of the country were now the same as they had been; but, in referring to the statement of his right hon. Friend, the hon. Gentleman had taken great pains to allude to the general propositions involved in it, but specially omitted what was more essential—the practical recommendations on which his right hon. Friend proceeded. These would show the House how utterly inapplicable to the present state of our finances such an inquiry as he had referred to would be. His right hon. Friend recommended in 1830 that the duties on barilla, on coals, on glass, on paper, and on printed cottons, should be reduced, and also those on soap, on French wines, on tea and sugar, on marine policies, on fire insurances, on newspapers, and advertisements. The reduction of the duty on soap and French wines had already been effected: the right hon. Member for the University of Cambridge, when he was in office, had reduced that on sugar; an alteration in the tea duties had taken place; that on marine policies had been reduced to a certain extent, and the subject was still under consideration. The duty on fire insurances had been considerably reduced, as well as that on advertisements, and the hon. Gentleman, who had quarrelled with him for not following the precedent of 1830, quarrelled with him now for filling up the outlines of the plan then recommended, and submitting to the consideration of the House a proposal for the reduction of the stamp duty on newspapers. He was glad the authorities of 1830 stood so high in the estimation of the hon. Member, as on that occasion his hon. Friend was not quite satisfied with the propositions of his right hon. Friend, and had very severely censured his recommendation with regard to French wines. Yet, though the hon. Member had opposed the motion at that time, when it was quite called for, he brought it forward again now, when the circumstances of the country were such as to render it no longer applicable. He said then, that his right hon. Friend and himself had discharged their duty to the House and the public, according to the opinions and conduct they had adopted in 1830. He entertained great objections to any commutation of taxation, as causing, in general, a disturbance of capital, and tending to injure existing interests, and he should proceed to show that the specific commutation recommended by the hon. Member was not an exception to this rule, and would be pregnant with evils of the most serious kind. He hoped that hon. Gentlemen had read the paper which had been delivered to them that morning, showing that the gross amount of taxation remitted since the commencement of the session of 1831 was 8,092,000*l.*, less by an amount of 600,000*l.* of new taxes imposed since that time. If Parliament had been sluggishly inattentive to the general interests of the country,—if it had been contending for a large sinking fund, then, indeed, the hon. Gentleman would have had some fair cause for complaint; but the paper to which he had alluded showed a reduction of taxation greater than was ever made before in the same period; and the hon. Gentleman must be over sanguine if he expected as much from his particular principle as had been practically accomplished by the course now pursued. Former Governments had pursued a similar course. The right hon. Member for the University of Cambridge had remitted taxes to the extent of 3,000,000*l.* before the formation of Lord Grey's Ministry. The great object aimed at by Parliament in all these cases had been, not to favour the aristocratic classes, but to give relief to the productive industry of the country. It was not true, as the hon. Member opposite declared in one of the resolutions, that the revenue of the country was chiefly levied on articles of necessary consumption. If he would take the trouble to look through the paper he had mentioned, he would see that the amount of taxation could not bear that character under any possible circumstances. It was possible they might not agree on the definition of necessary supplies. He (Mr. Rice) took the taxes on spirits, on wine, on tobacco, on silk, and spirit licences, the whole of the stamp duties, the land and assessed taxes, the postage duties, with those on paper, auctions, bricks, cotton, wool, and timber. The total produce of those taxes was 31,000,000*l.* per annum, and none of these articles could come within the terms of the resolutions as the necessary consumption of the people. He could not conceive a better system of taxation than that to which the hon. Gentleman had raised an objection, nor a more just or equitable system. In the third resolution, the hon. Member proceeded to the question of the excise laws. His hon. Friend omitted all mention of the steps which either had been taken, or were in progress, towards the removal of many of the excise duties. As far as the complication of the law was concerned, and its interference with trade and manufactures, no one conversant with its working could deny that it required revision and amendment, but measures had been taken to remedy the evils complained of, and a Commission issued for the express purpose of giving clearness and certainty to its provisions. The labours of that Commission he believed the hon. Gentleman had himself referred to in terms of commendation. It could not be denied, then, that already a great deal had been done, but it too frequently happened, that that which had been done, and attended with beneficial results, was soon forgotten, while that which had been ineffective or injurious was carefully kept in memory, and made the subject of complaint. The first Report of the Commissioners of Excise Inquiry was respecting tea permits, and the recommendations contained in it had been carried into effect. Their second Report was regarding the abolition of wine permits and surveys, which had been done away with in consequence. Their third Report related to the reduction of the cost of the excise department, which had been diminished to a certain extent, and would be still further lowered when that was in the power of Government. Their fourth Report was on excise services, and arrangements had been made to carry out their recommendations on this head. Their fifth Report was on the reduction of duty on stone-bottles and sweets, which had been effected in compliance with that recommendation. Their sixth Report related to tobacco and foreign spirits, but he regretted that on this important branch of revenue they had not been able to take any distinct steps. Their seventh Report was on the duty on glass, which had since been reduced. Their eighth Report was on the duty on starch (we believe), and their ninth Report on vinegar. Their tenth report was on the subject of the malt-duty in Ireland and they had been on the point of adopting its recommendations, when they were obliged to retrace their steps by the advice of the Commissioners themselves, who were sensible of the necessity of making better arrangements on this point. Their eleventh Report was relative to the excise accounts, and arrangements were now accordingly in progress for reducing them to a simpler and clearer form. He asked the House, then, to allow the government to proceed in their course, and not consent to pass eight resolutions each of which required separate and distinct inquiry. The fourth resolution declared that the unequal pressure of taxation was increased by the levy of an uniform duty of customs. It might be supposed from this, by a person ignorant of the subject, that one uniform duty was levied on all articles imported, but any one who looked at our tariff might see that the great mass of our duties were on the *ad valorem* principle. There were some commodities —wine, for example—any attempt to impose an *ad valorem* duty on which would be fruitless or impracticable. Three years ago his hon. Friend, with the view of applying, if he could, that principle to tea, had established not an *ad valorem* duty, but a distinctive rate which imposed three different duties on different classes of tea. That experiment had failed, and they had been obliged to impose one uniform duty. A uniform duty might, in some cases, press hard on a particular class, but we could not have the advantage of an *ad valorem* duty without its disadvantages, nor the benefits of an uniform duty without its inconveniences. His hon. Friend had passed over lightly the question of the stamp duties, because he knew that he had brought the subject fully before the

House, but his hon. Friend had not on that point done him justice. The hon. Gentleman charged him with now supporting those propositions of Mr. Cobbett with respect to the stamp duties which he had formerly opposed. There never was a greater misrepresentation than this statement. If the hon. Gentleman had been present the other night when he had alluded to the proposal of Mr. Cobbett, he would have heard him refer to the debates on the subject in 1833. So far was he then from saying, when Mr. Cobbett brought forward his motion, that the stamp duties did not require amendment, that he had said then, as now, that they did require amendment, and that he for one was willing to bear the responsibility of undertaking an alteration in them; but his noble Friend Lord Althorp having given notice of his intention to bring in a measure on the subject he thought the best course was to wait for that measure. He had not therefore pursued an inconsistent course, and he did not deserve the censure his hon. Friend had thrown on his conduct. His hon. Friend in the sixth resolution adverted to the charge of collecting the revenues, but he excluded all consideration of the saving already effected in this branch of the public service. Between the years 1820 and 1835, there was a reduction of 677,000*l.* a-year in the charge of collection, and between 1817 and 1836, there was a diminution of 1,130,000*l.* a-year. The charge of the collection of the revenue could not, it was obvious, always be reduced in proportion as the revenue was lessened, because when a tax was only reduced it very often required as large an establishment to collect the reduced as to collect the whole tax. To so great an extent, however, had the reduction been carried, that he doubted whether, at present, they had not gone too far; but they were continuing their efforts to retrench the expenditure of this branch wherever it was possible, and he thought it would be better to do so than to adopt a resolution which would lead to no practical result. The hon. Member, in the succeeding resolution, called on the House to decide the question of the standard of value, and the 1*l.* notes, and other litigated questions, which he (Mr. Rice) would never shrink from discussing when brought forward in the form of distinct propositions, but which he thought it was unjust to the House and to the public to introduce into these resolutions. There was one fallacy of the hon. Member which he could not suffer to pass without more lengthened notice—the allegation that the fixing of our standard of value, and the alteration made in the currency, had been to the detriment and injury of the labouring classes. Now, if ever there was a change in which the great mass of the working classes were deeply interested, and by which they were highly benefited, it was this, for the depreciation of the currency was most felt by those who lived on the wages of their labour. He protested therefore against the inference drawn by the hon. Member on this subject. He came next to the eighth resolution: as the hon. Member seemed disposed to admit, nothing could be more futile than his proposition for an investigation of the financial system of the country, unless the House was prepared to substitute a property tax in lieu of the present system of taxation, he for one was not prepared to make that substitution, and he did not think the manufacturing classes would thank the hon. Member so much for it as he was inclined to imagine. He thought that his hon. Friend himself would, upon reflection, see the evils that must result from it, and the danger to which the great interests of the country must be exposed. Its first effect would be, to interfere with the application of capital, and to encourage its transmission from this to other countries. In proportion as the amount of capital disposable for the employment of labour was reduced, the well-being of the classes thus deprived of employment was diminished. If a tax of ten per cent. were imposed on a manufacturer in the receipt of 10,000*l.* a-year, his means of employing those dependent on him would be diminished by 1,000*l.* a-year. The hon. Member said that the country had submitted to a property-tax during the war; but no analogy could be drawn between Europe in a state of war and Europe in a state of peace. He should pity that unfortunate mortal who, as Chancellor of the Exchequer, had either to propose a property-tax or to defend it. Why had the house-tax been so odious, except because it came directly from the pockets of the people? When the tax was paid on commodities purchased, it mixed itself with the price of the article, and became more or less voluntary; but the hon. Member was mistaken if he thought that a tax pressing directly upon the means of subsistence would maintain the revenue more effectually than indirect taxation. During the existence of the former property-tax many persons in trade were compelled, by their desire to maintain their credit, to pay a larger amount of tax than they were compellable to pay by the amount of their property. He contended that nothing could be more fallacious than the apparent equality of the property-tax. If such a tax were not likely to be palatable either to the manufacturing capitalists or to those whom they employed, would it, he would ask, be palatable to the landed interest of the country? Would it be a boon to offer to the landlord a tax of 10 per cent. on the rental which he had to receive, and to the tenant a tax of 7½ per cent. on the amount of rent which he had to pay? Would it be a boon to the people of Ireland to offer them the introduction of a property-tax—a species of tax which up to that hour they had never been called on to pay? He was quite sure that if the hon. Member for Worcester had tenfold the power to support him that he had at present, he would not be able to convince the House of Commons that a property-tax was a fit tax to be imposed on the country in time of peace. The hon. Member had spoken of the present state of the country as highly prosperous, and he had said that we ought to be grateful for it, but that we ought not to rely too much on its prolonged continuance. He admitted the truth of that observation. We ought to be thankful, and we ought to be grateful for our present state of prosperity; but whilst we were so thankful and so grateful, and whilst our prosperity was cementing our attachment to the institutions which had created it, we had no right to look upon it as our eternal inheritance. That was the very argument which he should use as well as the hon. Member for Worcester. Formerly we were called upon to revise our system of taxation in order to relieve the distress of the country; now we were called upon to avail ourselves of our prosperity to try an experiment which might endanger its continuance, by turning our whole system of taxation up-side down. The hon. member for Worcester could not view the prosperity of the country with stronger feelings of gratitude than he did; but, to insure its continuance, he would advise the House of Commons to persevere in the means which had created it. Let them give all the relief in their power to the people—let them be economical in their expenditure—let them apply their surplus revenue to the remission of taxation—but let them not blindly affirm a general principle of which no one could see the conclusion, or foretell the result. Above all, if the notion of a property-tax in time of peace was nothing better than a delusion, let them not tamper with the public credit of the country by seeking for a substitute for our present system of taxation—a substitute which could not be found, which, if found, could never last, and which, if found in the shape of a property-tax, no Parliament could ever pass in time of peace. Let it be recollected, too, that a property-tax, which remained untouched during time of peace, was a sure defence to us in time of war, and that it was calculated to prevent us from being forced into war by foreign powers, as it showed that we had for such an emergency means of which the extent was known, and of which the use was at any moment practicable. If our commerce must be protected, if our rights must be maintained, if our national honour must be vindicated, so long as the property-tax remains untouched, there is not a single power in Europe which does not know that the right arm of England is ready for the fray whenever and wherever hostilities may break forth. Again, observe the distinction between a property-tax in time of peace and a property-tax in time of war. Suppose you had a property-tax in time of peace, and that war should suddenly break out, how would you increase your revenue derived from direct taxation by the imposition of indirect taxation? No; let indirect taxation be the source of your revenue in peace, and leave direct taxation, in the shape of a property-tax, for the advent of war. He hoped that he had argued this question without asperity—for he could assure the House that he felt none—and that he had not treated the hon. member for Worcester with disrespect, for he had no such feeling towards his hon. Friend. All that he had done was to endeavour to show the House that it would not be expedient to affirm these resolutions. He objected to them altogether; but in so doing his consolation was, if he had understood the hon. Member for Worcester correctly, that the hon. Member had introduced them rather for the purpose of having them considered by the House than from any hope of having them adopted by it. If such was the hon. Member's object, it would be better answered by the discussion which the hon.

Member had produced, than by any division of the House, which he hoped would on this occasion be avoided, as it would be liable to misconstruction. He would conclude by saying that he opposed these resolutions, because he believed them to be adverse to the best interests of the country,—because he believed that the course which the country had hitherto followed had greatly promoted its prosperity,—because he knew that we had already given the people, in the last six years, relief from 8,000,000*l.* of taxation,—because he knew that derangement in our fiscal regulations was always an evil,—because he knew that it always created a double disturbance of capital,—because he felt that a property-tax was an improper tax during a period of peace, although it might be a very useful and productive tax during a period of war,—and because he was certain that the consumer would not get the benefit of the tax repealed, whilst the people would have to pay the full burden of the tax imposed. Meaning nothing but kindness towards his hon. Friend, he would, in conclusion, beg his hon. Friend to withdraw his motion.

Mr. *Barlow Hoy* could not but express satisfaction at the greater part of what had fallen from the right hon. Gentleman, the Chancellor of the Exchequer; and he hoped that the hon. Member for Worcester would consent to withdraw his resolution. He wished, however, to say one word on the subject of the Legacy and Probate Duty: much had been said of the partiality of imposing such burdens on personal property, and allowing land to enjoy exemption from them. But he (Mr. Hoy,) was of opinion, and he thought that the House would bear him out in that opinion, that the taxes borne by the land were much more than equivalent to the Legacy and Probate Duty upon personal property. He thought the hon. Member for Worcester should have put at the head of his resolution a proposition to the effect that the office of Chancellor of the Exchequer was unnecessary and ought to be abolished, because if the House should deal with the existing taxation in the manner he proposed, there would certainly be no great necessity for such office. He quite agreed with the Chancellor of the Exchequer in respect of direct and indirect taxation; that nothing could be worse, and more undefeasible than direct taxation of any kind. He admitted, indeed, that there would be great saving in the collection of the revenue by the adoption of such a plan; but he could state that a labouring man in this country suffered more from fifteen days' want of employment than from any amount of taxation with which he was burdened: and he believed that the labouring classes generally would be sufferers to a very great extent by any disturbance of capital, which such an alteration in the mode of raising a revenue would almost inevitably produce. Gentlemen from Ireland were very fond of insisting upon equalization in the laws of the two countries: he (Mr. Hoy,) could see no reason why the landed property in that country should not be taxed to the same extent as that of England; and he called upon those hon. Members to support that equalization. In conclusion, he repeated his hope that the hon. Member would withdraw his resolution: he believed that if he went to a division he would be left in a very small minority.

Mr. *Hume* could not agree with those hon. Gentlemen who thought that direct taxation was the very worst mode in which taxes could be levied. He had thought that little difference of opinion existed on that subject. Even the Chancellor of the Exchequer admitted that taxation to be the best which proportionately took the least out of the pockets of the people, and returned the most into the Exchequer. With regard to what the hon. Member had said respecting the inconvenience which any portion of the labouring classes would feel at the loss of employment for fifteen days together, he considered that nothing more distressing to the labouring classes could take place. If a man who had no other means of subsistence than his daily labour was to be kept for fifteen days out of employment the consequences to him would be most grievous. But what was the best way of promoting the employment of the working classes? It was, in his mind, by not taking money out of the pockets of those who afforded them employment. He could call the attention of the House to what had occurred with respect to the repeal of the duty on salt. It would be in their recollection that at the time that they repealed the duty on salt that duty amounted to 15*s.* per bushel, whilst at that time the price of salt per bushel was 20*s.* Well, the duty having been taken off, the price of salt was reduced to 2*s.* a bushel. There then was a loss of three shillings to the manufacturer on the full rate—that was in the reduction from five shillings to two. In the same proportion, if they looked to various articles which paid an excise duty, they would find that the fall on each article was proportioned to the reduction of taxation. He differed in opinion from the right hon. Gentleman respecting a property-tax. In the principle of such a tax he fully concurred. He did not agree in what the Chancellor of the Exchequer had said, that luckless would be the man who proposed a property-tax. In that opinion he by no means was willing to coincide. He was pleased to hear what had fallen on this subject from the hon. Gentleman who introduced the motion. The Chancellor of the Exchequer had said, that if we resorted to a property-tax at all it should be reserved for a time of war. He hoped that they never would have a time of war. But were they to be kept off from adopting a property-tax, if it should be thought expedient, until the time of war? He found there was a great objection existing in many quarters to the adoption of a property-tax. A great proportion of capital of the country, he admitted, was unwilling to bear its proper share of taxation. When the noble Lord who had given notice of a motion respecting the agricultural distress should bring that motion forward, he should be prepared to show what was the exact state of agricultural taxation. He would be prepared to show that there was no country in which the landed aristocracy bore so little taxation as in this country. He would go farther, and show the extent to which they ought to be taxed. The Chancellor of the Exchequer might, perhaps, differ from him on that point. He held in his hand a copy of a return by which it appeared that since the legacy and probate duty were laid on, the amount of personal property administered for was 826,000,000*l.* It appeared from this rereturn that personal property had paid into the Exchequer no less a sum than 43,737,000*l.*, whilst landed property during that time had not paid one farthing. He now came to the course proposed by the hon. Gentleman who had made the motion. He confessed that he had little confidence in the plan of reform which the hon. Gentleman had proposed. He could not agree in any of the principles which he had laid down, though he agreed in many of the statements he had made. In the course of the discussion which the hon. Gentleman had originated he found that two or three important principles of taxation were admitted. He agreed in the observations made by the Chancellor of the Exchequer concerning the war-taxes. But let them consider what was their financial situation in 1792,—what was the comparative difference between their taxation then and now. He was not one of those who had ever been fond of drawing gloomy pictures. In the worst of times it never had been his disposition to do so, for he knew that any distress which existed arose out of causes of our own making, and which it was fully in our power to remedy. Now with respect to the reduction of taxation, and particularly as regarded the manufacturing and working classes, he was surprised to find that the hon. Member in his proposed reductions had made no mention of the corn-laws. From the hon. Member's rising until his sitting down he had not mentioned one word on the subject of the corn-laws. Could he have been serious in thinking that if the taxation of the country was revised the corn-laws were to be forgotten? With the knowledge of the effect of the corn laws on the commerce and industry of the country, he was sure that the hon. Gentleman could not have unintentionally forborne to allude to them. He could not admit the deductions of the hon. Gentleman when he had omitted to allude to such an important subject as that. The corn-laws, he would be able to prove, were injurious to the productive industry of the country to an extent that was by no means generally supposed. There were branches of industry so circumstanced that the most trifling difference of price was sufficient to influence them, and make them prosperous or otherwise. When he was last in the manufacturing parts of England he was informed that the difference of ⅛ or ¼ had been the means of removing an extensive branch of manufacturing industry from the place altogether. He complained then that in a proposal to revise our taxation the hon. Member had omitted to notice number one of the entire system. He presumed that the hon. Member would admit the importance of house-rent, and the necessity of affording comfortable accommodation to the working classes. Now, there was nothing more important in building houses for those classes than that the material should be good, and that they should be able to introduce good timber into the fabrication of such buildings, in preference to inferior timber; and for that purpose would not an alteration of the timber duties be desirable? The hon.

Member, however, was one of those who strenuously resisted any alteration in the timber duties. They had the corn-laws, the timber duties, the duties on gloves, silks, and other duties of that description, which were injurious, and which the hon. Member supported. The continuance of this system was too bad. He did not think that these could be much longer maintained. It was a principle of monopoly, which was the fault of all our taxation. When they spoke of the consumers they should endeavour to extend the class of consumers as much as possible by a fair and proper system of taxation—a system that would not press exclusively on one class. In one point that had been proposed, he fully agreed. He meant an *ad valorem* duty. The Chancellor of the Exchequer was fully aware that, both in the Committee up stairs and in the House below, he had always been an advocate for trying what they could do with an *ad valorem* duty. Now, with respect to tea for instance, though, perhaps, that was one of the most unfavourable they could select, he had always been of opinion that it was most unfair to call on the poor man to pay as much duty for the inferior article he consumed as they required the rich man to pay for the superior article which he consumed. In America, for a long period there had been no difficulty found with respect to collecting an *ad valorem* duty on tea. Now, with respect to the management of our customs duties, he would refer to the article of wines. There were, for instance, Moselle and other wines which might be purchased on the continent at 4*d.* a bottle. He believed that Moselle might be imported into this country at about 6*d.* a bottle; and was it not, then, an absurd system to subject a wine of this description to the same amount of duty as the more expensive wines, which were sold at a much higher price? There were few men that would not prefer drinking these milder and lighter wines, instead of being, as under the present system, compelled to drink the stronger and more potent wines. He did not know but this might have a greater effect upon the character of the country than they were at all prepared to think. People generally, he was sure, preferred weak wines to the stronger. He would speak from experience—for after having used light wines on the Continent for three months, he could not for some time after he returned relish the stronger wines. He admitted that he was a mere mortal, and, if such was the effect on him, why was it not reasonable to suppose that others felt similarly? He was an advocate for a change in the system. There were, perhaps, many present who were the advocates of Temperance Societies, but let them, by changing this part of their system of customs duties, promote the adoption of more temperate habits. He was sure that there was no Chancellor of the Exchequer who ought not to be satisfied with a duty of 100 per cent. on the wine drunk in this country, and, if they were content with this duty, they could have excellent wine sold in this country at 1*s.* a bottle. He hoped that the time was coming when they would be able to effect that. Nothing, he felt, would be more satisfactory to the country than to put the excise out of every manufactory in the country. The Chancellor of the Exchequer would always find that whatever taxes he reduced returned to the Exchequer in some other way. Whatever reductions were made did not deduct more than one-half in their amount from the public revenue, for the reduction of taxation promoted consumption, and the amount of taxation reduced was returned in the consumption of luxuries and in other ways. With respect to a property-tax, he did not think in any alteration of taxation they were to be influenced by any argument respecting the non-existence of war. That was a consideration which they were by no means to look to. The question was whether they were ready to keep up a system of taxation which was particularly oppressive to a large portion of the community. It appeared to him that they were not only unjust in their system of taxation, but in their legislation as well. With respect to the alterations that had from time to time taken place in the elective franchise, its extension to the working classes had always been resisted, on the ground that they did not possess any portion of capital. It was, therefore, determined that a property qualification for the possession of the franchise should be established. He considered that nothing could be more fallacious than this. All the landed capital in the country was not equal in amount to the amount of capital possessed by the working classes. This class had, indeed, been severely taxed, as if they were the exclusive possessors of property. They had not merely been deprived of their rights as the possessors of capital, but they were subjected to an undue share of taxation. The capital of the working classes, consisting of labour, was of as much importance as any other description of capital, and upon it, to a great extent, the prosperity of the country depended. He contended that the taxation of the country was founded altogether upon an erroneous principle. He hoped the time would come, that no Gentleman in that House would be found anxious to shrink from bearing his fair share of taxation. There was a part of the hon. Gentleman's motion which formed a fair ground for inquiry; but he was by no means prepared to affirm other points in his resolutions. If the hon. Gentleman was content merely to call the attention of the House to the principle contained in his last resolution he would be willing to give him his best assistance, otherwise he could not support him.

Mr. *John Maxwell* condemned the attack that had been made upon the landed interest by the hon. Member for Middlesex. He coincided in opinion with the Chancellor of the Exchequer, that the imposition of a property-tax would be improper. While entertaining this opinion, he could not refrain from expressing his desire that some judicious alterations could be made in the taxes upon soap, malt, and sugar, which now pressed so heavily upon the working population.

Mr. *Forster* had but a single observation to make in reply to the remarks of the hon. Member for Middlesex, with respect to the repeal of the malt-tax. That hon. Member said, that the property-tax was repealed in 1816, by the landed interest, from a desire to be especially relieved. Now, the popular feeling was unanimously expressed against that tax; and a petition he remembered was presented from Liverpool, to which there were affixed more than 40,000 signatures. Lord Brougham, who was then a Member of that House, remarked upon a petition from Newton-Bushel, the only one presented for its continuance, that as it set itself against the rest of the country upon this subject, he trusted it should be excepted from the benefit of its repeal. To show the pressure upon the landed interest, he would state a fact, of which he was himself a witness —he saw that day, upon an investment of 40,000*l.* in land, that the stamp-duty amounted to 500*l.*, the fact being, that had the same been invested in the funds or on a rail-road no duty would be required.

Colonel *Sibthorp* considered, that if the property-tax were again levied, the great burden of it would fall upon the labouring classes, and it would be found particularly oppressive to them.

Mr. *Baines* thought, that there was this great advantage in direct taxation, that the person upon whom it was imposed could ascertain exactly what it was he had to pay. There was another advantage too, that it was less expensive than a circuitous tax; for in the same proportion that the taxes were circuitous were they expensive. This should be remembered with respect to a property-tax, that if they had a property-tax they must have also an income-tax; and who, he would ask, would submit in the time of peace to the inquisitorial investigations of their affairs necessary with an income-tax? The property-tax was exclaimed against. As to the house-tax, which was a direct tax, the cry against it had been so loud, that the Chancellor of the Exchequer was compelled to remit it. With the views that he entertained, and which were decidedly opposed to those expressed by the hon. Member for Worcester, he should vote against his resolutions. He should do so, not because he was indisposed to direct taxation, but because he was indisposed to a property-tax, accompanied as that should be by an income-tax, to be collected by means of inquisitorial investigations, and which in a state of peace would never be endured in this country.

Mr. *Benett* had always advocated a property-tax because he considered it a fair tax, and one that could be collected with the least possible expense to the country. The landed interest, he thought, must be benefitted by a property-tax, and for his part he did not object to its inquisitorial powers. It had the additional advantage, in his opinion, that it was calculated to relieve the country from many of its burdens. It would commute 11,000,000*l.* of taxes upon the productive interests of the country. At a private meeting held by those who were on the Opposition benches, it was agreed to demand a commutation of 11,000,000*l.* of taxes then pressing upon the productive interests of the country, and the repeal of taxes to the amount of 3,000,000*l.*, and when this proposition was made known to the Government, they immediately took off four millions and a-half of taxes. It was upon the principle of the property-tax that he should support the hon. Member for Worcester.

Colonel *Thompson* said, that if he had 10,000*l.* a year—he wished he had it—he would gladly agree with the Chancellor of the Exchequer to give him as much of it in the shape of a property tax, as should be equal to all the Chancellor of the Exchequer got out of him now by indirect taxation, on condition that all he paid in consequence of the existing taxes should be removed. And this, because he had a cheerful faith, that what was left would be worth as much to him as eleven, twelve, or 15,000*l.* would be now. He therefore did not see that the prospect was so very hopeless, of finding others join in wishing to exchange the present mode of taxation for a property-tax, on the same grounds. The cause of the resistance to a property-tax, was in the desire of the rich to throw a fair share of the burthen from themselves; and he believed it would never be "merry England," till the taxation was laid on the property of the rich, and not on the consumption of the poor. He must vote for all the resolutions proposed from the other side, except the seventh, on currency.

Mr. *Robinson* stated in reply, that it was his intention to withdraw his resolutions, as he hoped the discussion which had taken place would produce an impression upon the country and the Ministry.

Mr. *T. Attwood* protested against the resolutions being withdrawn. He came down to the House prepared to support them. He regretted that so many hours had now been wasted upon a discussion which was to terminate thus.

Resolutions negatived.

PAPERS OF THE HOUSE.] Mr. *Tooke* rose to call the attention of the House to the subject of the delivery of Printed Papers to Members of the House. He had a short time back applied for two copies of a Report which he thought it desirable that his constituents should have, and which he intended to present to two public libraries with that view. The Speaker, however, at the suggestion of the Committee, declared that he did not feel himself authorised to order those Reports to be given to him, but that he might purchase them. Now it was very well for his hon. Friend, the Member for Middlesex, to send any of his constituents to the shops where these documents were sold, but when the request for them came from the country, seldom accompanied by remittances, few hon. Members would have nerve enough to make their constituents the same reply, and he thought it hard that hon. Members should be put to the expense of purchasing papers which were necessary to give information to their constituents. Another objection was, that no place of sale was provided for them within the walls of the House, and that Members had no Parliamentary privilege, not even the right of pre-emption, but were obliged to go to a common shop, and take their chance like any ordinary customer. Some place within the walls of the House ought to be set apart for their sale.

The Speaker inquired whether the hon. member intended to make any motion.

Mr. *Tooke* said, that if he made any motion, it would be that it was not within the province of the Select Committee of Printed Papers to interfere with the discretion of the Speaker in the distribution of the printed papers of that House.

The *Speaker:* The hon. Member says, that he does not make a charge against me, because he now alleges that the refusal of the papers for which he applied is owing to an opinion expressed by the Committee on printed papers; and then he contends that in giving this opinion the Committee have exceeded their powers. Now, before I state how the facts are, I must at once say, that whatever the blame be, it belongs to me, and not to the Committee. The House came to a resolution that the printed papers should be sold, and a Committee was appointed to assist the Speaker in regulating the printing and sale of the papers. The distribution of papers remained as before with the Speaker. But as I found that if papers were distributed as liberally to Members as they had been before the resolution of the House was passed, it would have defeated the spirit and intention of that resolution, I thought it desirable to consult with the Committee on particular cases for the regulation of my own conduct. I have received the most cordial and useful assistance from the Committee, but the responsibility of distribution rests with me as before. The duty imposed on me, is not an easy one, because, as I must limit the former practice, the task is ungracious. I am bound to exercise my discretion on the applications made, and I endeavour, as far as I can, to lay down general rules, and to afford all the accommodation to Members that I can, consistently with the resolution of the House. When the hon. Member applied for two copies of the Report on Accidents in Mines, for the use of two libraries in that part of the country with which he is connected, I felt that, in refusing or complying with his request, I was establishing a rule of extensive application. If the Reports were to be given to libraries in Cornwall, they must equally be given to libraries in all parts of the country. I consulted the Committee, and they confirmed my opinion that libraries and public bodies are most likely to become extensive purchasers, and that they were also the parties who ought to purchase. For these reasons, the application of the hon. Member was refused. Then the hon. Member says, that in some cases a note was made in the book in which applications are entered, stating whether the application had been granted or refused, and that that practice had been discontinued. The statement of the hon. Member is quite correct, and the reason why the practice was discontinued was this. In various instances I applied to Members to know the reason why they wished to be supplied with particular papers, no reason having been entered on the Book. In some cases a sufficient reason was stated, and the application was granted. In other cases no sufficient reason was stated, and the application was refused. I found, therefore, that it would be necessary either to make a special entry in each case, or if the papers were granted, no reason appearing on the entry of the Book, such cases would be urged, as they were in fact urged, to show that applications had been granted without any reason. To avoid a considerable increase of trouble, which must have resulted from making a special entry in each case, the practice was discontinued. I am bound to give effect to the resolution of the House; I wish to afford all the accommodation I can to Members, consistently with an adherence to the object and spirit of that resolution, and I regret, though I believe it to be inevitable, that dissatisfaction should exist in the minds of those to whom papers are refused.

Mr. *Hume* said, that the Committee which had come to the decision of selling the papers to the public did so on the ground that there were two millions of copies by them, and that there were great numbers who would be glad to avail themselves of the privilege of purchasing these papers at a cheap rate; and that Committee was moved for at the suggestion of his hon. Friend himself. That Committee had, for two days together, taken into consideration the question whether copies should be given to public libraries and institutions, and had at last come to the decision that it would be so utterly impossible to draw a fair line of distinction between those institutions to which it might be desirable to extend such a privilege and those to which it would not be so desirable, that they negatived the proposition altogether. These papers were sold for a halfpenny a sheet, infinitely less than they cost, and he thought, therefore, his hon. Friend had nothing to complain of upon that score. It might perhaps be a matter of complaint that he was compelled to go any distance from the House to obtain them.

Sir *Thomas Freemantle* approved of the course pursued by the Committee, from which he thought the public would eventually receive great benefit. He thought also that thanks were due to the Speaker for the zealous and cordial manner in which he had co-operated in the views of the House upon this subject. He must say, that the privilege, now discontinued, of permitting hon. Members to obtain numerous copies of public papers, was one that was very much abused, and it only existed in consequence of the impossibility of purchasing them. As for the hon. Member being put to the expense of purchasing these Reports at the cost of but a few shillings, he thought that many hon. Members would be glad to oblige their constituents at so cheap a rate. With regard to Bills in progress through the House, the greatest facility should be given for Members to receive them and send them to their constituents.

Lord *George Lennox* did not complain of being asked to pay for the papers of the House, but of not being able to procure those which he wanted by payment, on applying for them. It happened to himself the other day, that being anxious to obtain the Report of the Commissioners on Military Flogging, he made application at the usual office, but was told that it was printed elsewhere, and that, consequently, it was not to be had there. He then walked down Parliament-street, and went into a bookseller's shop, and obtained the Report in question, for which he paid nine shillings.

Mr. *Vernon Smith* was surprised at the attack made on the Committee, and recommended that the whole system should be reviewed.

Mr. *Robinson* thought it more convenient that the Speaker should not be troubled to decide in any case, but that an inflexible rule should be laid down.

Colonel *Sibthorp* thought it shameful for the House to entertain this trumpery proposition of a three-halfpenny saving to Members in procuring documents for the use of their constituents.

Mr. *Tooke* denied that he was actuated by any paltry feeling of parsimony. He only wished that Members should have greater facility in procuring documents. He had expended much money in contributions to public institutions. He would withdraw the motion.

Motion withdrawn.

Railways.] Mr. *Potter* rose to move a resolution declaratory that no railway or tramway whereon carriages are propelled by steam shall be made across any highway on the level, unless the Committee on the Bill report that such a restriction ought not to be enforced. If there was not some check to the present system of railroad-making the country would be dissected in every direction; and from the great velocity of steam carriages it was necessary to guard against sudden and unexpected accidents on the crossways. The railroads should either pass under or over the present highways. Frequent accidents occurred of persons having been overtaken while crossing the railroad. He had witnessed some. At present he would content himself with introducing his motion without entering into details.

Colonel *Thompson* said, he wished to advance a principle which he believed to be nearly the same with that of the Member for Wigan. On asking an engineer at one of the Railway Committees the average expense of carrying a parish road over a railway by an arch, he had been told between 400*l.* and 500*l.*; now, calculating interest at four per cent, this was only equivalent to from 16*l.* to 20*l.* a-year; and it was strongly to be suspected that the expenses of properly looking after a cross-road on the level, could never be brought within this amount. It appeared to him, therefore, that it was for the general interest of the railways, as well as of the public safety, that they should be obliged in all cases to carry cross-roads over by an arch, unless where from particular circumstances a tunnel was preferable. It would have to be done in the end; and an arrangement once for all, now so many railways were in agitation, would save great trouble and expense, besides the loss of life and character.

The *Chancellor of the Exchequer* thought it would be more convenient if the resolution were referred for consideration to the Select Committee sitting on Railways. He would beg leave to move that it be referred.

Resolution referred accordingly.

Education in Ireland.] Mr. *Wyse* rose to move for leave to bring in a Bill for the Establishment of a Board of National Education, and the advancement of elementary Education in Ireland. The Bill he proposed to submit to the Legislature he had for the first time introduced into that House in 1831. The general outline, with many of the details, had been adopted in the recess of the same year by the noble Lord (Lord Stanley) then at the head of the Irish Government; and the House and country were well acquainted with the results. He (Mr. Wyse) had, however, always thought that there were two great defects in the arrangement. It was put forward merely as an experiment, and was by no means constructed, as far as the financial administration was in question, on sound principles. He had never ceased urging on that House the necessity of placing the whole plan on a broad and permanent basis. The financial administration was complicated—it had greatly checked the efficiency and extension of the system; it might, with a few but still most important alterations, be brought into tenfold activity. The Bill of 1831 he had renewed last year (he had not been permitted to do so sooner, in consequence of absence from Parliament), with some additions intended to simplify the details, and on introducing it to the House had seized the occasion of going at great length into the principle of the measure, and the means by which he proposed to work it out in practice. He presumed the House to have then had sufficient opportunity afforded them of judging of his views, and he would not, in the present instance, trespass upon their patience further than by referring to them. The Bill was read a second time and committed, and finally referred to the Select Committee on Irish Education, which he had moved for, and which was then sitting above stairs. The Committee heard evidence in illustration of the principle and details of the Bill, but in consequence of the termination of the session were not enabled to report as to the conclusions to which such evidence would lead. This session the House had permitted the re-appointment of the Committee, and all that he desired was, that the Bill should be advanced to the same stage as last year, so as to allow the Committee to apply their evidence, and to report satisfactorily on its merits or demerits, its principles and practicability, to the House. He was quite conscious that that was not the place to impress upon hon. Members any clear ideas of so intricate a subject. Perusal in the closet, where each clause might calmly be weighed, its object and tendencies appreciated, and its clauses of practical efficiency understood, was worth all those explanations, however elaborate and comprehensive, which could possibly be conveyed through the medium of oral statement to that House. He should, therefore, abstain, as he had already stated, from going into any details. He would merely state the two leading principles of the Bill. He had no idea of superseding the existing Board—on the contrary, the establishment of such Board had been pressed and urged by him in every shape, long before it had been established; but he proposed to give a legislative sanction, and with that permanence and certainty to its existence. This was essential, if Government really intended that the public should look up to it as a system of national education. It was true that in the late change of parties the system had had the good fortune to win also at last, though late, the protecting smiles of the very men who hitherto had been active in their vituperation; but this homage to public opinion, from all that had since transpired, he could never be persuaded to consider a willing one, and sure he was, that if such was the case, and by any mischance that party had continued in power, means would not long be wanting, if not to prevent the destruction, at least the inefficiency of the body. He wished to place the whole beyond such risks—to rescue what he considered an instrument of national benefit from all contingencies of sect or minister. If it was to be dependent upon the rescript of a secretary alone, it was scarcely worth having. Every little change in property—every trifling amelioration in our system of justice, national defence, finance, &c. is considered important enough to demand the express sanction of a law, and this great basis of all amelioration—this, without which law itself cannot work out its true, civilizing effects—is still left in a state of precarious and permitted existence. A second principle was a better distribution of burthens and powers. He thought the central power or body should give the first stimulus—the local body should continue it. On this principle he was of opinion that the Board should purchase the land, (and there should be clauses giving them, as in cases of lunatic asylums, &c. powers to that effect)—that they should build and outfit the school, build the teachers' houses, and allot land in the country for agricultural instruction; and likewise in all schools for parochial instruction. The parish or district in return should pay the teacher, and see that the school was kept in repair. For this a School Committee would of course be requisite; and it was a matter of congratulation that the more the people were not only permitted, but required, to interest themselves about their own business, the more interest they were sure to take, the more knowledge they acquired of its workings, and the higher value they set on its results. This payment, in his mind, ought to be effected by assessment. From what he had seen, heard, and thought on the subject, he confessed he totally mistrusted the efficiency of the voluntary system, to say nothing of its palpable injustice, burdening the benevolent few for the apathy and penury of the selfish many. How these several duties were to be exercised and combined, was a matter of very delicate arrangement. He had given them all the attention, from a very early period, in his power, and he trusted on looking to the Bill itself, they would find that if all difficulties had not been overcome, none had been neglected, and some at least satisfactorily vanquished. In conclusion, he would impress upon the House the position in which this country stood to the great portion of the civilized world, the intellectual supremacy, and, he might add, the moral, without which he firmly held all other would be vain; and he would then ask them, as men anxious to raise their country in the scale of nations, would they any longer consent that education, from whence intellectual and moral power can alone flow, should be left as a secondary object, to the chance management of individuals, and not made the dearest and most sacred object of the attention and affection of the country. He begged to conclude by moving for leave to bring in a Bill for the establishment of a Board of National Education, and the advancement of Elementary Education in Ireland.

Mr. *Lefroy* (*D. U.*) was surprised that the Government had not given any opinion on this question, nor stated how far they were willing to support the views of the hon. Member. He wished to know whether, after the great anxiety they had manifested to support the system at present in operation in Ireland—whether, after all the trouble they had given themselves to establish that system, they were now prepared to supersede it altogether? He asked, were they to have two Boards of Education in existence at the same time—two conflicting systems, one pulling one way, the other in a contrary direction? He (Mr. Lefroy) must admit the present Board had utterly failed—in fact it had produced nothing but the most injurious results—and he was, consequently, not prepared to give his support to the measure of the hon. Member.—The country had been long enough agitated and disturbed by these chimerical projects, and he must protest against being called on as a party to the increased confusion which the Bill was calculated to produce. For his own part he could readily suppose that his Majesty's Government was willing to indulge their followers, and that the Bill now before the House was one of these toys or playthings with which they found it necessary to purchase the support of the party to which the hon. Gentleman belonged. They had a regular succession of these new fangled projects. They had already three or four Poor-law Bills before the House.—They had a County Board Bill which was to overturn the present Grand Jury system, and now they were called on to give their consent to a new-fangled scheme of education. He hoped Government would not continue to give their countenance to such projects, which, in his opinion, only tended to retard the public business, distract the attention of hon. Members, and prevent them from attending to more useful and practical measures.

The *Chancellor of the Exchequer* said, that the right hon. Gentleman was not justified in casting these imputations on Government, of allowing motions to be brought on for party purposes which they did not mean afterwards to support. What right had he to judge of the feelings or acts of Government? The right hon. Gentleman was not now for the first time a bad prophet. He attached great importance to the question of national education, and he therefore should be sorry to withhold from any Member an opportunity of bringing forward his views on the subject. Was no Gentleman to introduce a motion to the House unless he could previously calculate on the predetermined support of the Government? This doctrine was not, he thought, in accordance with the feelings of the House, nor the principles of the Constitution. The plan of the hon. Member for Waterford had the approbation of the former Government, which the right hon. Gentleman had so cordially supported. He repudiated the charge that Government encouraged Members to bring forward motions from sectarian or party views.

Dr. *Baldwin* complimented the right hon. Gentleman (Mr. Lefroy) on the chivalrous gallantry which induced him to fight the battle of his party against such odds. He congratulated him on being left without a single supporter of his opinions on his own side of the House. He knew the powers of the right hon. Gentleman. He knew they had a powerful and determined foe to contend against. He knew that, like another Ajax, the right hon. Gentleman could receive upon his shield the shafts and darts, if not the entire armoury, of that side of the House; but he thought it would be found that in such a struggle as the present question involved, invulnerable as the right hon. Gentleman might be, he would scarcely escape unscathed from the conflict. Powerful and courageous though he was, he thought even he was but a puny opponent against the cause of truth and justice. The right hon. Gentleman complained of Members on that side of the House being too ready to suggest measures for the moral and intellectual improvement of the country. He was not surprised at this; on the contrary, he should only be astonished at the right hon. Gentleman or his party consenting to any measure calculated to raise the people in the scale of moral excellence. To these errors of benevolence he and those with whom he acted were, he admitted, too liable. The Gentlemen on the opposite side, however had never sinned in such a manner. Their playthings and new fangled projects were of a different description, and of a totally opposite character, and, whether originating with individuals or their leaders, only contemplated the undue ascendancy of their own party, and the unfair depression of an opponent. In conclusion, he would only say that the proposition of his hon. Friend had his most hearty concurrence.

Mr. *Wyse,* in reply said, he should have supposed, from the observations—he could scarcely call them such—of the right hon. the ex-sergeant (Mr. Lefroy) that he had just wakened from a sound-sleep, not a sleep of the last half hour, but of some months and years. He talks with great jocoseness of the novelty of this measure, and wished the House to understand that he had been taken by surprise. Why this very Bill he had the honour of defending from the right hon.

Gentleman's attacks, so early as 1831. He thought, even if the right hon. Gentleman had forgotten that circumstance, as he had also, perhaps, his silence on the subject during the late Ministry, he had said enough a few moments ago to recal it to the recollection of the right hon. Gentleman. He asked were there to be two Boards? He (Mr. Wyse) would in turn ask, had he said one single syllable of the erection of a distinct Board? Had he not positively stated, that the Bill was meant to give a sanction, with some alterations, to the old? But the House would not endure he should waste their time with the refutation of these thrice-refuted assertions. It was a proud thing for the friends of education to see the bristling ranks of their enemies dwindled down to a weak arm, and a blunt weapon, like that. The right hon. Gentleman well knew of the existence of the Bill last year; at least his learned Colleague might easily have informed him — he was a Member of the Committee, and had heard evidence on its details. He begged pardon of the House for thus squandering its time on such an opposition as that of the right hon. Gentleman. He thanked him, however, for his negative—the country would e e he stood alone.

Leave was given to bring in the Bill.

HOUSE OF LORDS,

Friday, March 25, 1836.

Minutes.] Bill. Read a second time:—Bankruptcy (Ireland); Stafford Witnesses' Indemnity.

Petitions presented. By Earls Howe, Falmouth, and Lord Wharncliffe, from various Places,—praying for the Alteration of the Ecclesiastical Courts' Consolidating Bill.—By Lord Stamford, from Tonbridge Wells, for the Repeal of the Stamp Duties on Newspapers.—By Viscount Duncannon, from Kilkenny, for Reform in Municipal Corporations in Ireland.—By Lord Holland, from the Dissenters of Ystradgimlais, for a Redress of Grievances.

Courts of Bankruptcy (Ireland).] Lord *Plunkett* moved the second reading of the Irish Bankruptcy Courts' Bill.—There was no subject which required more than the bankruptcy laws legislative explanation and enactment, and accordingly various measures had been passed on the subject. He wished to extend to Ireland the benefit of the principle on which the Act of the 6th of George 4th, and of the 1st and 2d of William 4th was founded. The present Bill was, therefore, in a great measure, a transcript of those Acts. Under the last mentioned Act a Bankruptcy Court had been erected, in order to relieve the Lord Chancellor from the labour of deciding in bankruptcy cases. But the circumstances were different in Ireland, where the labour of the great seal was comparatively much lighter. It was, therefore, not considered necessary to encumber this measure by the introduction of machinery similar to that which was found in the last-mentioned Act. The manner in which bankruptcy business was now conducted was generally condemned by the profession. There were twenty-five Commissioners, divided into five sets. They were employed only a few hours each day, and, besides acting as Commissioners, they followed their professional avocations. In consequence of the existing system, the same bankruptcy case might be heard on different days by different Commissioners, and, in the end, might be decided by those who knew very little of the circumstances that had previously transpired. This necessarily occasioned much dissatisfaction. It was proposed by the Bill to do away with those twenty-five Commissioners, and to appoint one Commissioner, who would be fully competent to perform the duty, by giving up his whole time and attention to it. The situation would require a man of talent, ability, and learning, and it was agreed that he should receive a salary of 1,500*l.* per annum. He (Lord Plunkett) had asked the Lord Lieutenant of Ireland to name the person who, in case the Bill passed, would be fit to fill the office? But his Excellency was pleased to consult his (Lord Plunkett's) judgment, and he selected Mr. Macann, King's Counsel, a gentleman of great respectability, of more than twenty years standing in the profession, and who possessed the confidence of the bar and of the public generally. It was also proposed, in case the business increased considerably, and that it became absolutely necessary to do so, to appoint a register of the court, with a salary of 300*l.* per annum. There was also a clause by which it was intended to compensate the present bankrupt commissioners.

The Bill read a second time.

HOUSE OF COMMONS,

Friday, March 25, 1836.

Minutes.] Bills. Read a second time:—Manorial Boundaries; Escheats; and Hackney Carriages (Metropolis).—Read a first time:—West-India Judicature.

Petitions presented. By Mr. Robert Fergusson, from

Aberdeen, for a Repeal of the Paper Duty.—By Mr. EWART, from Liverpool, for a fixed Duty on Salt.—By Sir WILLIAM GEARY, from the Licensed Victuallers in Kent, and of various Places, against the increased Duty on Spirit Licences.—By Mr. SHAW, from Limerick, for further Inquiry into the circumstances of the Carlow Election; and from the Clergy of various dioceses, against any Alteration of the Law concerning Tithes.—By Mr. HARDY, from the Medical Profession of various Places, for Remuneration for attending Coroners' Inquests.—By Mr. JEPHSON, from the Protestant Tithe Payers of Magourney and Kilcoleman, for Revaluation of Tithes.—By Mr. SHARMAN CRAWFORD, from Burrishoole, for the Abolition of Tithes.—By Mr. FITZSTEPHEN FRENCH, from various Places, for the Better Regulation of the Shannon. —Sir WILLIAM GEARY, from Gravesend and Dartford, for the Commutation of Tithes.

EAST-INDIA SUGARS.] Mr. *Ewart* presented a petition from the bankers, merchants, shopkeepers, and other inhabitants of Liverpool, praying for an equalization of the duties upon East and West India sugar, and upon all other commodities, the produce of our East-India possessions. The petition, the hon. Member said, was most numerously and respectably signed, and it referred to a subject with regard to which the feelings of the people of England were every day becoming stronger. The feeling in favour of an equalization of the duties was not confined to the merchants—it pervaded all classes—the retail shopkeepers and the consumers, who had the good sense to see that their interests would be benefited by such a measure. This petition was signed by all the merchants and a vast number of the shopkeepers engaged in this trade in Liverpool, who saw that the best mode to encourage trade was to reduce that indirect taxation which pressed upon the raw material of importation.

Mr. *Hume* said, that an equalization of the duty was as important to the consumers generally as it was to the traders in sugar. He was not surprised to see, from the returns of the last year, that the consumption of sugar was on the decline, to the great injury of the mass of the community. He hoped that his Majesty's Ministers would not postpone beyond this session the equalization of the duty, as the unequal duty at present existing was the source of aggravated injustice to the community at large. At all events, he trusted that his hon. Friend the Member for Liverpool, or some other hon. Member, would bring the question before the House, and have its opinion taken upon it this session. The hon. Member might be sure of having the House as well as the country with him on the question.

Mr. *Mark Phillips* gave his cordial support to the petition. Having fulfilled their engagements fairly and honourably towards the West-India proprietors, he thought that Parliament should no longer delay placing this question upon a proper footing.

Mr. *Aaron Chapman* said, that having given 20,000,000*l.* as compensation to the West-India proprietors, they should no longer refrain from giving to ships sailing to the East the same advantages that were enjoyed by ships sailing to the West Indies. It was contrary to all the sound rules of taxation, that an article brought from the greatest distance should bear the highest duty.

Mr. *Wilkes* would support the prayer of the petition. At the same time he thought that they might advantageously undertake the cultivation of beet-root in this country, and the manufacture of sugar therefrom, whereby they would have sugar as good and much cheaper than at present.

Mr. *Ewart* begged to say, in reference to what had fallen from his hon. Friend the Member for Middlesex, that one of the first things he had done this session, was to give notice, that on the annual sugar duties' resolutions being brought forward, he should move that the duty on East-India sugar be reduced to the same amount as that levied on sugar the produce of the West-India islands.

Petition laid on the table.

COMMUTATION OF TITHES (ENGLAND.)] Lord J. Russell moved that the Order of the Day for the further consideration of the Report on the Tithe Commutation Bill be now read.

Mr. *Gisborne* said, that he must revert to a question which he had put to the noble Lord on the subject of tithes on coals and other minerals—a question of great local importance in many parts of the country, and in respect to which the Bill brought forward by his Majesty's Government was silent. The noble Lord was not prepared on a former occasion to answer the inquiry; and he therefore now begged to ask whether it was the intention of the Government during the present session to introduce any measure relating to tithes on minerals?

Lord *John Russell* said, that he had given the matter his serious consideration since it was last mentioned, but had not been able to come to any satisfactory conclusion in respect to tithes on minerals, and therefore he could not undertake to bring forward any measure with reference to them during the present session.

The Order of the Day was read, and the question put, that the House resolve itself into Committee on the Tithe Commutation (England) Bill.

Sir *R. Peel* asked if the noble Lord had any alterations to propose in the provisions of the Bill?

Lord *John Russell* replied, that he had none of any importance, or at all affecting the principle of the Bill. He therefore should be glad to get into Committee, in order to hear the suggestions and opinions of hon. Members on each clause as proposed.

Sir *R. Peel* said, that many cases would arise which were not provided for in the provisions of this Bill. He wished to know in what way the modus was to be disposed of—who were the authorities to decide whether the allegations that a modus existed were valid or not?

Lord *J. Russell* said, he had a clause to propose to set that point at rest, but at present he would not enter into the details of it.

Mr. *Pemberton* said, that the noble Lord could not be more anxious than he was to see a system for the entire commutation of tithes; but he was persuaded that this Bill, as it now stood, was incapable of effecting that object, unless some most important alterations were made in it. He was extremely anxious to give effect to a measure for the entire commutation of tithes, but he was sure, that if the law-officers of the Crown would examine this Bill, and compare it with that of the hon. Member for Tamworth, they would see that the latter was best calculated to bring about the views and intentions of his Majesty's Government.

Lord *John Russell* had not seen the Bill of the right hon. Baronet before he had brought forward his own measure. He had asked the right hon. Baronet to state his plan last session, and he was sorry that the right hon. Baronet had not acceded to his request. He however, did not think that at present he should be justified in adopting the provisions of that Bill.

Mr. *Estcourt* (*O. U.*) said, he saw that the Bill of the noble Lord contained no provisions as to the time within which voluntary commutations must be effected, and before the expiration of which compulsory commutations would not be enforced. He wished to know from the noble Lord whether he meant to introduce a clause for this purpose.

Lord *John Russell* said, that he had originally intended to limit the time for voluntary commutations to six months; but that upon consideration, he thought that time was too short, and he therefore meant to introduce into the Bill words which would make that point clear. He should propose that twelve months, from the 1st of October next, should be allowed before compulsory commutations could be made.

Sir *Robert Peel* said, he had put certain questions to the noble Lord merely for the purpose of being guided in considering the details of the Bill by the answers he might receive. He, for one, had no objection to the House resolving at once into Committee, if the noble Lord so desired; but there being many important omissions in the Bill, and the noble Lord not being prepared to supply them, he (Sir R. Peel) should certainly feel some difficulty in offering suggestions to do that which the noble Lord was not prepared to do in respect to his own measure.

Sir *Robert Price* was of opinion, with many of his constituents, who had paid a great deal of attention to tithes that before Surveyors or Commissioners were sent to value tithes, with a view to a permanent commutation, it would be advisable, if not necessary, that some law should pass, to declare what is and what is not titheable, since there prevailed, at the present moment, the greatest uncertainty on that subject. There had been a great contrariety of decisions on the point, and the consequences of an attempt to make a permanent settlement, under such circumstances might (as in the case of Lord Tenterden's Act) be, the commencement of an infinite number of actions to try disputed questions. The state of the law with respect to timber trees had always been considered as free from tithe, of above twenty-years growth, until the decision of the case of the executors of Dr. Ford which had ever since involved the point in great doubt and uncertainty. He should conclude by expressing a hope that if the Government did not at once bring in a Bill to settle this and other similar questions, they must not be chagrined if they found, in consequence of their own measures, increased litigation should take place.

Mr. *Gally Knight* said, in the interval which has elapsed since the introduction of the new Commutation Bill we have only been able to ascertain that the question is surrounded with difficulties. For no boon was there ever so loud an outcry; but whenever the termination is approached, the petitioners hang back. One thing is clear—that the more the subject is investigated, the more does it redound to the honour of the Church; for the real difficulties arise, not from the grasping, but the liberal manner in which the clergy have collected their dues. The tithe-payers have at last found out that they have had a good bargain of the Church, a better bargain than they thought for, and now that the settlement is at hand, commutation no longer appears to be so decided an advantage. It is but fair to the Church that this should be mentioned. Whatever is finally concluded, let it always be remembered, that, nothing was ever more untrue than the charges which have been preferred against the clergy, as a body. Let it always be remembered, that it is now in proof that, as a body, the clergy have always been liberal. Yet, however perverse it may seem, it is, I believe, inherent in flesh and blood to dislike to pay more than a man has been accustomed to pay. So at least has it been since the fall; and perhaps, in a country where the laws are duly enforced, as much as a man can obtain may be considered as not very distant from his equitable claim. Exceptions, of course, shall be made in cases of our indulgence, which shall not be permitted to prejudice future interests. But the *status quo*, the habitual practice of the country, should appear to be no improper basis for a general rule; and the rather because, should no commutation take place, a continuation of the *status quo* is as much as could be hoped for. And here appears at once, in arranging the conditions of any commutation of which the compulsory principle forms a part, the difficulty of exclusively basing those conditions on an average of crops. It is vain to say that no regard must be had to the means by which abundant crops are raised; the habitual practice of the country shows that this maxim has long been obsolete. The terms of all existing compositions admit that ample room and verge enough must be left for the improvements of the agriculturist. The tithe-owner is fully aware that crops are as much the produce of capital as of the land; and, in having regard to this fact, the tithe-owner has shown as much wisdom as mercy, for had he proceeded in a different manner, the only result would have been, that abundant crops would not have been produced. At the same time, Sir, it appears, that whilst liberality has been the rule and rapacity the exception, yet has there been nothing like uniformity in the different parts of the country. From whatever circumstances it may have arisen, there is a greater variety in the terms of composition than might have been expected. In Devonshire (where, by the way, the outcry has been the loudest) the terms are comparatively low, in Kent they are comparatively high; and this variety throws another obstacle in the way of coming to any final arrangement. It is almost impossible to propose any exact limits, which would be universally just. Under these circumstances, if you retain the compulsory principle, the only course appears to be to enlarge the powers of the Commissioners, and give them a greater latitude in dealing with extreme cases. Some persons are in favour of taking the actual value of the land as the basis of commutation,—others prefer other methods; but the enlargement of the powers of the Commissioners appears to me the preferable course. Nor can I see, then, there need be more danger in placing the summary disposal of property in their hands, on the present occasion, than there is in the case of every enclosure, where Commissioners are constantly invested with powers equally large. At the same time the Commissioners should be instructed in all cases, where under sixty per cent. has been taken, to secure to the clergyman to the full as much as he has hitherto received; and, in cases of over-indulgence, which will not be found to be few, invariably to adjust the balance in favour of the Church. Upon such conditions the compulsory principle might be retained, and I should be loth to abandon it, because without it I fear the Bill would not come into extensive operation. Should however, such an arrangement as I have alluded to be considered inexpedient, in that case, the only alternative would be to fall back on the voluntary principle, and give it a fair trial. But in any plan that may be adopted, I should be anxious to include the power of redemption, because, without it, no final termination would be put to that which is acknowledged to be an evil; and with it I am persuaded the tithe-payer would more willingly acquiesce in better terms for the Church, when he felt that the benefit arising from his own outlay would in future be for himself, and that he would be secure from all possible loss that might arise out of future changes. Redemption has been introduced in all cases of enclosure, and without, I believe, leading to any inconvenience. At the same time, as I can conceive cases in which such an arrangement would not be desirable, I should wish in any plan to leave this part of the scheme in a voluntary form. I have felt it a duty to make these few observations, because I am really anxious that commutation should take place, and that it should allay discontent. I am not anxious to put into the landowner's pocket any thing more than the produce of his own expenditure, and in no case should I wish to deprive any but the grasping tithe-owner of any part of what he has hitherto been able to obtain, and willing to take. On the contrary, if commutation were accompanied by redemption, I think it would only be fair that the landowner should pay something for a really permanent settlement. Let us endeavour to lay aside the feeling by which we are usually divided, and do our best to work out a measure which shall be just to both parties concerned—which shall enable the agriculturist to carry on his improvements without apprehension, and secure to the Church the undisturbed possession of its equitable dues. At all events, let us do something. Let commutation take place in one shape or the other. The Bill is a proof that His Majesty's Government are acting with perfect good faith. Let them only have the resolution to persevere.

Mr. *Lennard* said, it was in his mind an extreme defect in the Bill, that in ascertaining the rent-charge, which was to be permanently settled on the land, no regard was had to the real nature and staple of the land to be so charged, nor to the consideration, that of two farms similar in soil and in situation, the one under a good and enterprising tenant might be producing ten times as much as the other under a slovenly one. No provision was made for that period, if ever it should arise, when the corn-laws would be repealed, and when those lands which were cultivated as corn lands, in consequence of the monopoly given by those laws, should be thrown out of cultivation—that, in fact, it allowed for no future modification of the rent charge, in consequence of any change of circumstances, whether of an accidental, temporary, and local, or of a permanent character, nor in consequence of any unforeseen damage or misfortune which might occur to any portion of such property. The only exception to the iron rule laid down in this Bill was in the case of hop grounds. Now there were a variety of cases in favour of which, in his opinion, there ought to be a similar provision. He doubted whether hop grounds were cultivated more artificially, or at a greater expense, than much of the land in the neighbourhood of this metropolis, which was, in fact, a sort of hot-bed, producing two and, in some cases, three crops a-year. There was land as distant from London as seven or eight miles, on which the tithes paid for, amounted to from 30*s.* to 42*s.* per acre, in consequence of the high state of cultivation into which they had been brought by the monopoly they now enjoyed of the London market. Now, supposing this monopoly to be destroyed by the rail-roads, he was assured, that the value of the tithe would fall to 15*s.* or 21*s.* an acre. He doubted not but that the same was the case with land in the neighbourhood of other great cities; and he was sure the House would feel it was only reasonable, that the Bill should make provision for such cases. The same thing, though in a less extent, was true of much of the inferior corn land of this country. He would not argue the question of the corn-laws, it was sufficient for the purposes of his argument, that some of the most distinguished advocates of the repeal of those laws admitted, that if they were repealed, the effect would be to throw much of the poorer lands out of cultivation. The injustice was obvious of continuing to exact from the owner of lands which might have been converted into a rabbit warren, or a sheep walk, the same amount in corn as was made when the land grew corn. The fluctuation in the value of landed property, arising from the migration of manufactories was another point for consideration. The manufactures of the kingdom had frequently changed their localities. Considerable manufacturing towns had, in some instances, gone to decay from that circumstance, and land in the neighbourhood of them, which let at high rents, and was highly cultivated for accommodation purposes, had sunk in value, and been applied to the ordinary purposes of agriculture. It was not unreasonable to anticipate that what had happened might occur again; but the rent-charge once fixed on land of this description, would still continue to be collected and received, how onerous soever it might be, since the Bill, in its present state, made no provision for any change in circumstances. He would take another case, that of a farm on the coast, subject to the inroads of the sea, it was well known, that on parts of the coast of the kingdom, considerable tracts of land had been washed away by the action of the tides, sea, and storms. Harwich, the coast of part of Kent and Sussex, furnished examples. If half a property were thus lost, the remainder would pay the rent-charge without the power of claiming the least abatement. Again, he would take the case of gardens, whether for pleasure, or profit, paying high rents, and subject to vicarial tithes. Now, these were so vexatious in their nature, that they were often compounded for, and paid for at a much higher rate than even a tenth part of their actual annual value. Sometimes they were attached to a house, and sometimes not. In the case of those attached to a house, when, in process of time the house fell to decay, or was pulled down, the garden became immediately, even if kept as a garden, of much less comparative value. It was still more the case if it should be converted into arable or meadow land, but it would for ever be liable to the rent-charge, which was to be awarded under the powers proposed to be given under this Bill. The unattached gardens, and that case applied to the market gardens in the vicinity of towns, would be involved in the same hardship, when from local circumstances, such as the decay of the town, or the removal of its manufactories, the market garden ceased to be such, and became land used for the ordinary purposes of agriculture. The Bill proposed to give the tithe-owner a right to seek his remedy on any portion of the estate belonging, or in the holding of one tenant, and that notwithstanding the closes of parts of the property had been separately valued and assessed. That increased the injury likely to be done to owners of land in the few districts which were subject to what was termed a breach of bank, by which occasionally hundreds of acres were sometimes flooded, and the crops either totally lost or materially damaged. As the law now stood, the tithe-owner taking his tithe in kind, bore his proportion of that loss, and either lost his tithe entirely, or took it in its deteriorated state. But by the present Bill, if nine-tenths of the farm were flooded, the tithe-owner would take his rent-charge from the remaining one-tenth, and would continue to receive the same, although the injury done by the flood might be irreparable, and the land probably not restored for many years, if at all to its former state. It should be observed too, that the fen districts, like many other districts to some of which he had alluded, were cultivated very artificially and expensively, for mills, drainage, &c.; and if in progress of time, and the low price of grain, or from any alteration in the corn-laws, it should not be deemed worth while to cultivate them in that expensive manner, and the town level of the fen land should be abandoned, the upper or higher grounds would still be liable to the whole rent-charge. There did not appear to be any distinction in the Bill between rectorial and vicarial tithes, or the rent-charge payable in respect of either, as he thought there ought to be, particularly in those cases where the change of cultivation made the land occasionally subject to one or the other kind of tithes. According to the present law, the owner and occupier had the option of cultivating his land, so as to make it liable to either. He might convert arable, paying great tithe to the rector, into pasture, and, by feeding it, be subject to the tithe of agistment, which was a vicarial tithe; the Bill proceeded on an assumption, that great and small tithes were equally valuable. The reverse was the fact; nevertheless, under this Bill, the owner would always have the same amount of rent-charge. In many cases, it might not be the exercise of an option which induced him to change the modes of using his lands, but a hard necessity, from its want of productiveness and insufficiency to pay the expenses of high cultivation, as arable land, at the then prices of produce. By the present Bill, supposing land liable to rectorial tithe to be converted into land subject to vicarial tithe, it would for ever pay at the former rate, although great tithes were usually reckoned at from five to seven shillings an acre, whilst small tithes were reckoned at from three to four shillings an acre. He could mention a variety of other cases of a similar nature, were he not afraid by so doing that he should weary the House. If it was determined that, in every case, the annual average of what had been paid for the last seven years should continue to be paid for ever, it would, he conceived, operate greatly against the tithe-payer, and in favour of the tithe-owner. The depression of prices during the last few years, had induced many farmers to employ even more labour and capital on their land than they had employed before, in order, by increase of quantity, to make up for lowering of price. The consequence of that had of course been, not any increase of tithe, because wherever the quantity of produce had increased, the tithe had also increased. Surely it would be most unfair on the landlord, that that increase in tithe from a cause purely accidental should be fixed upon him as a permanent charge. For these reasons, it seemed to him quite essential to the satisfactory and safe working of the Bill, that means should be provided, in extreme cases, of modifying the charge, which, if this Bill passed, would be fixed upon the land. Now it had been said, but as he thought erroneously, that such a revision or modification as he was contending for, would be subversive of the Bill, for it was said, if it were allowed in favour of the tithe-payer, it should also be allowed in favour of the tithe-owner. He should admit the force of this argument, if the Bill would have the effect of placing the tithe-owner, as in many cases it did the tithe-payer, in danger of losing the greater part, or the whole of his present income; but that could not be the case, because the Bill guaranteed to him not a variable but a fixed income measured in corn, so that in his case no such extreme case could occur as to justify a departure from the rule. It was true he gave up the chance of any improvement in his income, in consequence of any improvement in the land, but that was the price he paid for that Bill which relieved him from all the troubles and odium which belonged, in many cases, to his present situation, and which gave him in exchange for an uncertain and precarious income, depending on personal security, a certain income founded on the best of all securities. In spite of the many cases in which individual injury might be done by this Bill, it might nevertheless be beneficial as a whole; but, as it was said last year by Sir Robert Peel, to the many persons who might be seriously injured, or ruined, the more fortunate state or situation of their neighbours would afford small consolation. It was not on every occasion the policy of this country to overlook the claims of individuals and the rights of property. He contended, therefore, that if this measure was to be passed on the ground of general policy, it was their duty as far as possible to guard against its becoming a source of oppression to individuals. When the Bill was before under discussion, he had endeavoured to show the House, that the last seven years afforded a most unfavourable period to the tithe-payer for taking an average by which he was in future to be bound; a fair average, could never be got from a period in which prices were either constantly rising or falling. It was well known that rents did not rise or fall immediately on the rise or fall of prices, but that they remained stationary for some short time. Now during the last seven years, prices had been continually falling, but the reduction of tithe did not take place immediately on the reduction of price, so that the last seven years gave an average of comparatively high rent and high tithes, which under this Bill would be calculated on an average of low prices. He did not believe any intelligent farmer would guarantee to his landlord for all time to come the average amount of rent which he had paid for the last seven years, at least, before he gave such a guarantee he would desire to know what was to become of the corn-laws, and how he could be secured against those accidents and contingencies of which he had already spoken. He knew there were serious objections to making the clergyman a land-owner to any great extent, but he believed it would be found, that this Bill which gave him a right of entry as long as the tithe was in arrear, would in very many cases do that which was objected to. Many persons thought the increasing population, and wealth of the country would ensure a corresponding improvement in agriculture; without disputing that position, he contended that they should endeavour to guard against those cases of individual hardship and ruin which might arise amidst general prosperity. The Members of this House had a delicate duty to discharge in the settlement of that question. Above eighty of them, and of that eighty he was one, had a direct and personal interest in it, as being either patrons of livings, or impropriators, or both, and when, in addition to this, it was calculated how many of the Members of that House had through their relations an indirect interest in the question, there was little ground for saying that the interest of the tithe-owner was not fully represented there. He had endeavoured to point out, though he was aware very imperfectly, some of those extreme cases which in his mind authorized him to ask that the Bill might in certain cases be modified. With that view, he would now move, " that it be an instruction to the Committee to insert provisions, enabling owners of lands, where there had been a compulsory commutation as regards the original owner of such lands to re-open the valuation at successive periods of ten years, when it shall appear that the annual value (to be ascertained by valuation) of the tithes, if they had been taken in kind for the preceding five years, after deducting twenty-five per cent, would have been one-third less than the sums annually paid on account of such composition, within the same five years."

Mr. *Parrot* said, the present question was one of such immense importance that he thought it ought to undergo a much fuller discussion before they went into Committee, for which the House was not prepared—as from what was said by the noble Lord (Lord Howick) on a former night; the impression on his mind was (and most of the hon. Members near him were impressed with the same notion) that they were to have had a full discussion of the principle of the Bill to-night, in order to bring out the facts and bearings of the subject—and to go into Committee on some future night. It now appeared, however, that, notwithstanding this supposed arrangement, an attempt was to be made to pass over the general discussion of the Bill, and to go into Committee at once. He should object to such a proceeding, because when such immense interests were at stake, and when the question was so little understood both in and out of the House, he thought much more time was necessary for the consideration of the subject than had already been given, or could be given, to it before the recess. He hoped, therefore, the measure might be discussed now without going into Committee, and that it might stand over until after the recess, when they might, in the mean time, consult their constituents. It appeared to him that the Bill contained this great defect; that it was founded on the assumption that the tithe-owner had the abstract right to the tenth of the gross produce of the land, and that he could enforce the collection of that tenth, and that, in whatever arrangements might be made for the adjustment of the disputed rights between the land-owner and tithe-owner, regard must be had, so as to award a full equivalent for that tenth, making only a certain deduction (which was perfectly inadequate) for the expense of collection. For myself (said the hon. Member) I deny the assumed right. There are, I believe, decisions both ways, both for the tenth in gross produce, and for the tenth of the net gains, the latter of which only is consistent with fairness and reason; but admitting, for the sake of argument, that the tithe-owner is entitled to the tenth of the gross produce, I ask this House, I ask the country, has he ever been able generally to enforce it? I tell the framers of this unfortunate Bill, the tithe-owner never has been able, and never will be able, to enforce it, though rent-charge may be substituted for the odious name of tithes! Let the land owners bear this in mind, that by the Act of Parliament passed in 1819, commonly called " Peel's Bill," one-third of their property was transferred to another interest.—With this great mistake in legislation, will they tamely acquiesce in the proposed Tithe-Bill, which, without considerable alteration in favour of the land-owners, will transfer another large slice of their property to the tithe-owners —remember they will now do it with their eyes open! and will have to blame themselves only if they do not bestir themselves. He should now pass (the hon. Member continued) to the Bill itself; there were many parts of it which required attention and improvement, but the two clauses which deserved the greatest consideration were the 28th and 29th—the two main provisions of the Act. By the 28th, an award might be called for and obtained for commuting tithe. In that case, the rent-charge to be for ever fixed on an estate was to be founded on the average of the compositions paid or agreed to be paid for such estate for the last seven years—or when tithes had been taken in kind, on the value of the tithes so taken in kind, deducting the expense of collection, marketing, or otherwise—and the rent-charge was to be the first charge on the land—without any allowance or equivalent whatever, given to the land-owners for taking such a charge on themselves, which now the tenant is only personally liable to, and not the land or the land-owner; nor was there to be any abatement made to the skilful and spirited improver, whatever might have been his outlay of capital; so that a man for skill and industry would be punished, and for sloth and neglect would be rewarded. The man who has made his acre, which was worth only 1*l.*, now, by labour, manure, and draining, worth, 2*l.* or 3*l.* is to be fixed for ever with a charge on his land, as a land-tax, in the exact proportion of his improvements up to the time when the commutation takes place—was that fair? But it was said, after tithes were once commuted, the charge beyond the rent charge could not be increased; but who could tell what might happen. Commerce and manufactures might decay, agriculture might decline, and many other circumstances might arise, which might make that charge intolerable to the land-owners; therefore it did appear to him, not only expedient, but perfectly just, in making a final settlement of this question, that the land-owner, for taking these risks upon himself, and for giving the tithe-owner a security advanced from eighteen or twenty years' to twenty-eight or thirty years' purchase, was fully entitled to an equivalent, and also to a liberal allowance for giving up that advantage he at present possessed, viz., of withholding the application of capital to the land, of rearing certain descriptions of cattle not titheable, of converting arable to pasture land, of planting his whole estate if he pleased, by which no tithe would be payable, or of availing himself of tithe-free land in his neighbourhood, &c. &c. He considered the land-owner, in common justice, entitled to such an equivalent, and to such liberal allowance, and he could not see with what propriety any other course could be taken. The rent-charge, in his opinion, should be founded on the average paid within a few past years, say three, five, or seven, for composition, deducting therefrom any return made, and deducting also at least 10 per cent, for the reasons he had already stated. But if tithes had been taken in kind in a few instances, (and he believed they were few indeed) the rent-charges in these rare instances might be computed and fixed according to the rate of composition paid in neighbouring parishes, having due regard to the difference of soil and other circumstances, and with the same amount of abatement as in other cases of composition.—This would be an easy and practical method for settling this great question. It would be a measure based on past payments with only a moderate deduction for advantages given to the tithe-owner. It would cause but little disturbance, and little irritation, it would be giving up theory for practice, and most probably would, in 99 cases out of every 100, not be unsatisfactory, if it did not give complete satisfaction. But if the claim of the abstract right to the tenth of the gross produce were to be set up, as the 28th and the 29th clause, and acted upon, every case would be made an extreme case—appeals without number would take place, and a scene of confusion and irritation would ensue, which might be better conceived than described. He therefore should, whenever the Bill was in Committee, propose that the rent-charges should be formed on the compositions with the deduction and abatement he had before stated, and not on the gross produce, and he had prepared amendments to that effect. These were the principals parts of the Bill, but there were others of minor importance, not to be overlooked when in Committee. "Concurring (said the hon. Member, in conclusion) most heartily as I do in the general policy pursued by his Majesty's Ministers, I cannot be supposed to be actuated by any unfriendly feeling towards them or their Government, by pointing out the defects, and suggesting improvements, in any measure they may bring before this House, more especially one of such vast importance as the English Tithe Bill; but if I were, I should feel the duty I owe to my constituents and to the country of paramount importance to every other consideration, and they may rest assured that I would not fail to take care of their interests [*Cheers.*] I, however, by the cheers of the noble Lord (John Russell,) perceive that my observations, frank as they have been, are received in the same friendly spirit in which they were made. I trust the information that will be obtained by the discussion this night, will lead to good results, and that, before the end of the Session, we shall see a Bill for a compulsory commutation of tithes, that will be satisfactory to that long-aggrieved class, the tithe-payers, not only carried through this House, but become the law of the land.

Mr. *Blamire* said, that connected as he was with a part of the country in many respects peculiarly circumstanced as to the payment of tithes, and having for a number of years had considerable experience in all rural matters, and having, as a practical man, had ample opportunity of observing the working of the tithing system in its various ramifications, he trusted he might be allowed to obtrude himself for a short time on the attention of the House. He said he must, in the first place, beg that it might be understood that the observations he was about to offer to the consideration of the House were more especially applicable to the working of the system in the north of England, where alone he felt competent to give an opinion with any degree of confidence; and said, he must beg that it might be distinctly understood that he was not about to hazard any conjecture as to the success or failure of the measure now proposed in the midland or southern counties, where he had not had the opportunity of acquiring the requisite information. To the intricacies and perplexities of this great and important question he was perfectly alive, and he was well aware of those difficulties with which it was surrounded and beset—difficulties which none but practical men could fairly or duly appreciate. He was also well aware that it was much more easy to raise objections to, and point out imperfections in, any plan that might be proposed, than to devise a suitable and judicious remedy; and, in consequence, he felt no slight degree of diffidence in stating his objections to the plan proposed by the noble Lord, and in submitting such suggestions as occurred to him; but since the measure of a commutation was first brought forward, he had, on various occasions, stated it as his opinion that it was far beyond the reach of any degree of ingenuity to contrive one general measure fairly and equitably calculated to meet the difficulties of each particular and varying case. All that could be done, therefore, and all that it was prudent to attempt to do, was to place the parties in the happiest and best position for effecting an arrangement between themselves, and for a time, at least, to leave them free from all control and interference. As he now saw no reason for flinching from the opinions he had formerly expressed, he felt it incumbent upon him to endeavour to vindicate them on the present occasion. Whether he might do so successfully or not, he must ever feel individually, as also on behalf of his constituents, the greatest obligation to the noble Lord for the labours he had bestowed on this most difficult subject; and though the present attempt might not be a successful one, he trusted the time was not far distant when the matter would be settled equitably and satisfactorily. To the great principles contained in the Bill he had no objection to offer, nor to the application or adaptation of those principles to districts of a certain extent, and of varied cultivation; but it was to their application to particular and individual cases that he found himself obliged to offer his most strenuous and decided resistance. Since the Bill had been upon the table of the House, he had applied himself closely to the subject, and had, in many instances, where he suspected the case would prove an extreme one, ascertained from the individuals themselves what amount of composition they had heretofore paid, and how that amount would be affected by the Bill now proposed. And he felt constrained to have to say, that he did know numerous instances where the greatest injustice must be done to the parties—in some to the tithe-owner—but more uniformly to the land-owner. In that part of the country with which he was best acquainted, the most numerous class who would suffer from the Bill, as now proposed, were those whose lands were in a certain state of deterioration; and this would not be a matter of surprise, when the House was pleased to recollect, that within the last twenty-five years not less than six millions of acres of waste lands had been brought into cultivation, that a considerable proportion of them had been enclosed, subject to the payment of tithes.—Now these lands were generally most productive on their first being cropped, not from any superior degree of innate fertility in the soil, but from the accumulation of vegetable matter which for centuries had gone on increasing in them, and which at once was brought into action, from an inert state, by the application of lime, or fire, or both. Lands so circumstanced must deteriorate, and could not be continued in their first state of productiveness, by their own resources alone, and without the aid of adventitious manure. In many of these instances, and similar ones, the oppression that must be produced by the operation of the proposed Bill would be grievous, and in place of the composition being lowered, as in justice it ought to be, it would in many instances be increased, and materially so. The tenant of a farm of this description has been driven to the necessity of ploughing his land excessively, in the hope of being able thereby to meet his engagements, and has paid his rent, not by the fair annual return of the land, but by sending in to the landlord, year by year, a part of the fee-simple of the estate, by the reduction on the real value which his system of deterioration was producing. The landlord complains of the amount of rent-charge assessed upon him. The Commissioners apply the test proposed by the Bill, and find not that the tenant has paid too much, but that, with reference to the quantity of grain actually produced during the prescribed period of the seven years, he has paid much too little. It would, however, be obvious to any man of common understanding, that this production could not continue, and that, in place of increasing the amount of composition, it ought to be materially reduced. Such a case as he had described would be an instance of a landlord suffering from the circumstance of his having had a bad farmer; but he would also be made to suffer under the provisions of the Bill, from his having had a superior and enterprising tenant, who had expended a larger proportion of capital than his predecessor had done. He could point out many instances where injustice must arise in this way, but he would confine himself to one. He would name a farm of 450 acres of high poor grass-land, upon which but a small proportion of corn had been grown for many years past. The tenant had compounded for his tithes during his occupation, at the rate of seven guineas, or thereabouts. The estate in question was lately purchased by a wealthy and enterprising farmer for the purpose of converting it into an improved grass farm; but to do this, he must break it all up; he therefore contracts for the tithe of it for twelve years at the rate of 40*l.* per annum, and in doing so, thought he had made an excellent bargain. But apply the principles of the Bill in this case, and you fix upon the property for ever the increased payment of the 40*l.*; whereas, in all human probability, no considerable quantity of corn will ever be grown upon it after the expiration of the present contract, for from the soil and climate it is infinitely better calculated for grazing than producing corn. Now it did so happen, that the adjoining farm of 600 acres is a striking instance of the injustice that would arise to the tithe-owner from the operation of the proposed Bill. It is also a farm of high poor grass land, a very small proportion of corn has as yet been produced upon it, and the sum of 3*l.* is at present paid as the amount of composition, and the contract will not for some time expire; but this farm has also been let to a spirited individual for the purpose of improving it, as in the other case, before it is returned to grass, and in a short time the tithes from it must be worth in all probability not less than 60*l.* or 70*l.* But apply the principle of the Bill, and you fix a rent charge upon it of only the sum at present paid—viz., the 3*l.* The hardship in these cases arose from the change in the condition and mode of cultivation of the farms, and he would, therefore, name a class of cases where great hardship would arise from circumstances of a totally different nature, produced by the mere change of contract. He could state on the authority of an eminent land-surveyor, whose integrity was above all imputation, that he had been lately called upon to assess the amount of composition to be paid by two adjoining parishes where the tithe was the property of the same individual. In one parish he had found it necessary to raise the amount of composition to be paid 150 per cent., and in the other to reduce it 25 per cent. In the one case the former composition had been of very old standing, and entered into under peculiar circumstances; and in the other it had been raised to its full extent some years ago, and was in consequence now to be reduced. Apply the principles of the Bill in these two cases, and how glaring would be the result? Another description of case not provided for, would be found in the situation of lands recently cultivated. By the 2nd and 3rd of Edward the 6th, no land which could be called barren, or which had not been ploughed, was liable to tithe until it had been seven years in cultivation. Now, what was to be done in some of these cases, where the seven years had not expired, or were only just expiring? Was it intended to provide for them or not? He felt at a loss. In the case of lands now planted, but which had heretofore grown corn, what was to be done? He asked if the one case was left as a set-off to the other? But this would be manifestly unjust. Then as to the case of lands now in grass, and which had been so for upwards of seven years, but which were liable to tithe if broken up, what was to be done? This was the case in which the tithe-owner in the north would have the strongest ground for complaint. Such instances were very numerous, both from the local peculiarity of climate and position as to markets. Many lands so circumstanced must be broken up at certain intervals, not containing a sufficient degree of innate fertility to be continued permanently in grass. He could go on and state case after case, proving a greater or less degree of injustice to the one party or other, under the provisions of the Bill; but he should be sorry to weary the House, and he thought he had stated enough on which to ground his argument, that in its present shape the Bill would not work fairly and equitably. If the noble Lord should admit, that in the cases he had stated, the injustice would be great and decided, but should refuse to provide for them, on the ground that they were rare, and only exceptions to the general cases, he must beg to assure the noble Lord that they were not rare, but abounded, he feared, in all parts of the country. The noble Lord might say, that in a great measure of this kind, he could not be expected to do minute justice to all the parties concerned, and must be content to administer a sort of rough justice, which, on an average, might be right and proper; but the noble Lord ought to recollect that it would be no satisfaction to him to see his neighbour benefitted at his expense, and that he must also bear in mind, as affecting the popularity or unpopularity of the measure, that those who got a good and beneficial bargain would in silence hug themselves, whilst those who were harshly dealt with would be loud in their complaints, and even represent the case as worse than it really was. If the noble Lord proposed to remedy the grievances complained of by vesting the Commissioners with large discretionary powers, he should most decidedly object, as he thought it would not be prudent or wise to intrust any men, however carefully selected, with such extensive powers; and if you give this discretionary power to protect the interest of the landowner in the one case, you cannot withhold it in the other—and then you involve yourselves in difficulties from which there is no retreat—for who can say what grass-lands may or may not be permanently, at the caprice of the owner, continued in grass, though he thereby should incur much loss? Suppose the noble Lord should consent to the plan proposed of taking a certain proportion of the rent as the basis of the rent-charge, would that lead to a satisfactory result? In some districts it possibly might, but he knew many others, and particularly in the north, where this principle would lead to the grossest injustice. He knew himself instances where more than 30*l.* per cent. of the rental was paid for tithe, and others, where not 2*l.* (about 1½ per cent. only) was paid. And in these cases the lands were of equal fertility, and the difference arose alone from the mode of cultivation—the one being principally in corn and the other in grass—and there was no reason why the relative situations of those two farms might not in a few years be so changed, that the lands now paying near 30 per cent. should, by conversion into grass, escape with a payment of one or two per cent., and the land at present in grass be broken up. Or suppose the noble Lord should accede to the proposition of fixing the amount of rent-charge, without reference to the crops actually produced, but with reference to the staple quality of the soil, and that the Commissioners should have the power to value lands now in grass as if they had been in tillage, on the ground that tillage would be their best appropriation, and that they are alone fitted for convertible husbandry, this he must say would, in his opinion, be of all objectionable plans, as applied to the north of England, the most objectionable, and would, of necessity, open the door to so many difficult and perplexing questions, that he hoped most sincerely the noble Lord would pause and consider the matter well in all its bearings before he assented to it, though it was warmly advocated by a number of most intelligent men, both in and out of the House. Now, as to the plan of voluntary individual commutation. he begged to say a few words. He thought it most questionable in policy, and feared it would be found to interfere materially with voluntary parochial commutation. In every parish you must expect to meet with some instances of obstinate, ignorant, self-willed men, who would be disposed to act in opposition to their neighbours, unless you make it worth the while of their neighbours, and those who have an influence over them, to endeavour to carry them along with the rest into a voluntary parochial commutation, which would in some way, in most cases, be effected by pecuniary or other influence, and a parish would generally gain largely by a voluntary commutation, though some sacrifice might be made to an individual who thought himself peculiarly circumstanced; but remove the necessity for exercising that influence, and no one would be found to take the requisite trouble, as the commutation might go on, however partial and chequered it might be, and the object of getting rid of tithes altogether not be effected without much compulsion. Instances, he thought, would be rare where the interests of an owner would be prejudiced by restraining at first, at any rate, all voluntary individual commutation; and much might be said in objection to the plan on the score of expense. Then came the great and important question, what can be done to effect a permanent commutation, with justice to the interests of the parties, and without undue favour to either? He, for his part, must again and again repeat, that it was hopeless to attempt to provide for all the difficulties, all the peculiarities and intricacies of each particular and varying case, by one general enactment, and that all that could be done, and all that it would be well or prudent to attempt to do, would be to place the two parties interested in the commutation of tithes in the happiest and most favourable situation for making a satisfactory arrangement between themselves, free from all control in the first instance, at any rate, from the Commissioners; and he would venture to suggest to the noble Lord and the House, that it should be set about in this way. The machinery of the Bill should be created as proposed by the noble Lord, or in any other way to which, for the purpose, he might give a preference; the Commissioners should ascertain as correctly as possible, with reference to the payments that had been made, the fair, and moderate, and reasonable value of the tithes in each particular parish, or benefice, or tithing district, as the case might be; and having ascertained that amount, that it should be left to the parties interested, for a time at least, to apportion or applot the account of the rent-charge amongst themselves, without any interference on the part of the Government or the Commissioners. He said he would not then enter upon the principle, on which it would be fair to assess this permanent rent-charge after the observations just made to the House by his hon. Friends the Members for Maldon and Totnes; but it ought to be borne in mind, and he hoped would' be, that the landowner was now to be called upon to relinquish for ever that corrective power which he always had enjoyed of controlling the demands of the tithe-owner by not producing on his lands certain titheable crops; but he hoped, and he had every reason to believe, that the rent-charge would be assessed on the fairest and most unobjectionable grounds, and with reference to what was fairly due to the interests of the two parties. The noble Lord might say, and probably would say, that this proposition would effect but little, and that compulsory measures were absolutely necessary for the purpose of extinguishing tithes. But he would beg the noble Lord to bear in mind, that if he could not so frame one general enactment as fairly and equitably to meet all cases, it would be well and prudent to pause, and not commit gross injustice in any class of cases, until every method had been tried, and tried in vain, of bringing the parties to voluntary and satisfactory arrangements. To delay the full and entire accomplishment of even a good purpose would be prudent, until it had been ascertained that no injustice would be done by enforcing it. He objected most strongly to the serious expense that would be imposed on the country by the machinery of the Bill, if the parties were not left to assess and applot the amount of rent-charge amongst themselves. The method proposed was in his opinion, complex, expensive, and unsatisfactory, and the appeal from the award of the Commissioners could not be acted upon where the properties were small and much subdivided, as in the north of England. Where 6*l.* or 7*l.* was the amount of the rent-charge assessed on an individual, it would be much better for such an individual to submit to it, than undertake the appeal, which would cost him, as he was informed by legal men, probably not less than from 25*l.* to 50*l.* There was nothing new or speculative in the suggestion he had ventured to throw out to the noble Lord, it was constantly acted upon in the north of England, and with the happiest and most satisfactory results; a parish, or some of the most leading individuals in it on behalf of the parish, contract for the tithes at a given sum. They depute a committee, in whom they can place confidence, to examine into the relative state and quantities of the crops, and have no difficulty in satisfactorily arranging the different applotments. In all those parishes where this mode had been resorted to, he had not heard of any sort of difficulty; and he believed that, under the Voluntary Tithe Composition Act, this had been the course pursued in Ireland, and he was not aware that any difficulty had been found in regulating the applotment under the plan; but he spoke under the correction of many hon. Members who must know how far this statement, as affecting Ireland, was correct. The noble Lord might not consider his suggestion as applicable to the kingdom generally, but he felt confident that in the north it would work satisfactorily, and save much expense to the parties; and he trusted that the noble Lord would be induced to allow a provision to be introduced into the Bill, empowering such parties as petitioned the House on the subject (under certain reasonable restrictions) to adopt the voluntary system of assessment, and to make the applotment themselves. The advantages to be derived from the application of the principles of the proposed Bill to a large parish or district were great and decided, as compared to their application to a single farm or small parish, as all extreme cases might with ease and without injustice be modified. The man whose lands were now extensively under the plough would get relief as he ceased to produce his former quantity of corn, and the man whose land had borne but a small proportion of the assessment, during the time it was principally in grass, would find that proportion increased upon him, with an extended tillage of the farm. In this way he believed much of the difficulty would be got over without injustice—for he found, upon a close and careful examination of the facts, that in a district where no particular disturbing cause existed as to the accustomed cultivation, that as nearly as possible the same extent of corn was produced year by year. He had in several cases ascertained that the amount did not vary more than from four to seven per cent., as the extreme, in the parish or district, though the cultivation of some particular farm or farms in that district might, in a few years, have varied materially. Where there were no particular causes to prevent it, the amount of corn produced in different years continued as nearly as possible the same for a successive number of years, at least it had done so in a number of districts where he had been able to ascertain the facts. He would again press the noble Lord to agree to his suggestion in particular cases, affirming that there did not exist in the country any disposition to pay the tithe-owner a farthing less than he was entitled to, and that the country generally was most desirous of seeing a commutation of all tithes effected. The difficulties which had heretofore stood in the way of voluntary commutation were chiefly the trouble and expense; and these removed, tithes would soon cease to exist. He felt sure that the noble Lord had no indisposition to settle the question upon any other than the most fair principles. He thought that the most advantageous course would be to endeavour to remove the general difficulties in the best and safest way they could, and then leave the parties to make the ultimate arrangements amongst themselves, in the manner they might think most satisfactory.

Viscount *Howick* was sure, that the observations which the House had on that night heard, must naturally have made the strongest impression. Any one who had listened to what had fallen from the hon. Gentleman must have derived the most valuable information from it, and must have felt the importance of advice proceeding from a Member of so much practical experience. The subject which they had to deal with, it must be admitted, was one beset on all sides with difficulties, and some of those difficulties were of a formidable character. He could not agree in the opinion which the hon. Member for Cumberland had expressed, that, in the present state of the country, it was desirable that they should hold out an inducement and temptation to voluntary commutation. He certainly admitted, that in the part of the country with which he was connected, as well as that which the hon. Member for Cumberland came from, there might be found a general disposition to enter into a voluntary commutation on fair principles. But, from what had been said by many Members in the course of this discussion, of the irritation and animosity that prevailed in many places on this subject, he could not anticipate any such satisfactory result from the adoption of any scheme of merely voluntary commutation. From what he had heard and seen of the feeling entertained on this subject, he feared that to pass a measure of voluntary commutation would be to effect the greatest injustice to many parties in the end; and, in the meantime, to produce a great deal of inconvenience to the public at large. If the proposition for voluntary commutation had been made at an earlier period, he did not doubt but that it would have been attended with the best success. If the measure last year brought forward by the right hon. Member for Tamworth had been introduced some years ago, he had no doubt that it would have been attended with the happiest results; but it appeared to him, that whenever the doctrine of a compulsory commutation founded on the amount of actual previous payment had once been broached, there was a great difficulty placed in the way of voluntary commutation, and any measure of that description was no longer likely to be attended with satisfactory results. This must be expected from the situation in which persons with conflicting interests would be placed from the anticipation of a compulsory measure. Supposing that six or seven years were laid down as the period at which compulsory commutation should take place, both parties in the meantime commenced preparations for an event which they all foresaw; on each side there was an endeavour to do whatever would be likely to render the compulsory composition which must occur most conducive to their own interests; and the one party would have the strongest inducement to adopt every device for diminishing, the other for exacting to the utmost, the payments during the interval, as these would determine the amount of the permanent charge to be fixed on the land. Looking to the struggle that would thus be caused, to hold out the remote expectation of the compulsory assessment would, he thought, be very injudicious. In the meantime, the land would, in many instances, be converted into plantation, or employed in producing some other similar untitheable article. He thought that this might not take place extensively in the North; but he feared it certainly in the South of England; and the mere circumstance of throwing out of employment in this way a great number of persons engaged in the cultivation of arable land would in itself be a great evil. There would also be a general derangement of the whole industry of the country, most injurious to all classes, and particularly to various small traders in country towns, who were in the habit of supplying the labouring population. When these consequences were fully looked into, he was sure that they would not be content with a plan of mere voluntary commutation, holding out at the same time the remote application of the compulsory principle. But, if they felt the necessity of applying the compulsory principle at once, he would ask, could that principle be carried into effect better than by the present Bill? The hon. Member for Cumberland had stated, and most truly, that to make the future charges on land not proportioned to the amount of tithes, but to the amount of rent, would be in itself a very great injustice. If, indeed, they were now for the first time about to make an endowment to the Church he would not say but that it might be better to make such endowment consist of some proportion of the rent of the land, than of the gross produce; but to do so now, would be to sweep away an extensive institution, and to raise up another in its stead. The hon. Member for Totnes had stated, that in his opinion they ought, in the assessment, look at nothing but the agreement made between tithe-payer and tithe-owner. Now he did not think that a fair principle to be applied. He could easily conceive a great many cases where a great difference existed between those parties. He could conceive, in many cases, they were so unequally assessed as not to depend so much upon strict legal rights as upon long-established custom. There were also many cases in which the terms might not be satisfactory. However, on this point, the principle laid down in the course of the discussion by an hon. Member who spoke at that side of the House, appeared to him (Lord Howick) most satisfactory. That principle was to ascertain, as far as could be, the existing agreements, and when those agreements presented any difficulty, that a power should be given to ascertain the amount that ought to be paid. He was aware, that in these arrangements many great difficulties might arise; but he thought that it was a great advantage that, in any arrangement that might take place, they should render the charge once fixed permanent, and not subject to any future alteration. The noble Lord, after having proceeded to make some further observations, said, that he feared he had not succeeded in explaining satisfactorily the points to which he wished to call the attention of the House. He believed he was just in presuming that some compulsory measure would be found necessary, and, such being the case, he did not think that that principle could be better carried into effect than by the present Bill. He hoped, therefore, that there would be no objection to allow the measure, as the principle seemed admitted, to go into Committee, and they would then have an opportunity of considering the objections that had been made to the details of the measure.

Sir *Robert Peel* regretted that the House had been involved in the present discussion on the principle of the Bill before the question of going into Committee; because, whatever his opinion might be on some important particulars, not being opposed in principle to a compulsory commutation, he should have been disposed to forego all preliminary objection, and go at once into Committee, in order to have an opportunity of obviating any objections of detail which might be made to the various provisions of the Bill, and rendering it in all its parts as complete and unobjectionable as possible. In point of fact, the principle of compulsory commutation being conceded, the policy of applying it depended so much on the machinery by which it should operate, that it was difficult to consider the principle apart from the details; the policy of admitting the principle depended almost wholly on the perfection of the details, and the manner in which they were to be applied. But, at the same time, after the very able and powerful speech of the hon. Member for Cumberland, whose opinion on this question was entitled to so much weight, urged, as it had been on the present occasion, with such consummate knowledge of the subject, and so much clearness of expression as to render its subtleties perfectly intelligible to those less conversant with its details, he was not surprised that the noble Lord had thought it necessary to vindicate the leading principles of the Bill; and, in the outset, he must say, he entirely concurred in the justice of one observation made by the noble Lord—that even with respect to a voluntary commutation, and much more in attempting to carry into effect a compulsory principle, it was infinitely more easy to suggest difficulties than satisfactorily to obviate them; and he, for one, should, therefore, be the last to urge it as a party objection against any Government that they had made an honest attempt to settle this question on the principle of compulsion. Still the noble Lord must admit, that it was most advisable, for the interests of the country and the Government, before the opinion of the House was finally pledged in favour of that principle, or any other, to foresee all the difficulties and various objections which occurred to different minds, by which they might be accompanied, in order, admitting their force, if possible to obviate them, than afterwards to find, having adopted a particular measure for the settlement of tithes, and passed it into a law, that, on experience, it was incapable of practical operation. If it were necessary, in such a case, to revoke what had been done, having once passed a bill on the subject, they might indeed altogether despair of effecting a commutation of tithes on a right and satisfactory principle. He, therefore, repeated, that he for one would allow no party feeling to enter into the discussion of a bill brought forward with the proper intention of effecting a commutation of tithe on just principles. He apprehended, that those who were anxious for this—he meant the settlement of the question upon just principles—would feel thankful rather than otherwise to those who, whilst there was yet time to consider them, urged the objections which they entertained against the principles on which the present Bill was founded. The noble Lord maintained, that the compulsory principle possessed a great advantage over the voluntary principle; and he was willing to admit the justice of that opinion, qualified to this extent—that the compulsory principle adopted should be consistent with equity, and likely to give satisfaction; because, unless it were a just principle, and likely to give satisfaction to the parties concerned, its adoption, however speculatively preferable, would not, in point of fact, be attended with any advantage. The noble Lord stated his objection to a voluntary principle: he stated that if a voluntary principle were adopted, compulsion being held out as the alternative in prospect, they might depend on it they would thereby prevent any persons from taking advantage of a voluntary arrangement. Now, that was precisely his objection to the present Bill. They were about to extend the voluntary system for two years, at least a year and a-half beyond the six months already propounded in the Bill; but all that time, according to the argument of the noble Lord, must be spent quite unprofitably, because every one would naturally consider how far the compulsory principle proposed, would be favourable to his interest, and whether he should wait for its operation. But if Parliament declared, "we give fair time for voluntary arrangement, without precluding ourselves from the compulsory principle—we are not prepared to state what that compulsory principle is—we will take the experience of the intervening period, in order to guide us in the application of a compulsory principle, which we will not now indicate to you, but which, if necessary, we shall hereafter adopt and act upon,"—in that case, they would not throw in the way of voluntary arrangement that impediment which the noble Lord anticipated, and which must prevail, if they indicated now the precise terms on which compulsion would hereafter be adopted. There were immense difficulties in the way of carrying a compulsory principle into effect. He could easily conceive, that if they considered only the interests of two parties, the tithe-owner and tithe-payer, and if they could assume, that the interests of one class of tithe-owners were identical with those of every other, one man fairly representing the whole, it might be possible to make an arrangement which would be satisfactory as between the great mass and the Church. But, unfortunately, another element must be taken into consideration. They had not only to do justice between the great interests concerned, but, in order to give satisfaction, they must do justice tolerably well between every individual constituting a portion of the aggregate. It would not do to administer what an hon. Member, who had spoken, called rough justice. This was not a case in which such a principle was at all applicable. They could not apply the doctrine of compensation here, as they did so beautifully in dynamics, so as by the contraction of one part of the machine to compensate for the dilatation of the other, and ultimately to produce a just equilibrium, a perfect and equable motion. That principle was not applicable in the present case. By doing manifest injustice to a great class of tithe-payers, they would not, in point of fact, be at all benefitting the Church, they would be defeating their own ends without serving the Church. Wherever in one place a reduction was made, the Church might suffer, but where by way of compensation to the Church more was required than the Church was fairly entitled to, they were unjust to individuals, and the influence of the Church would suffer from the wrong done in its name. He did not mean to enter into the question of the *maximum* or *minimum* propounded in the Bill, but he could not help calling the attention of the House to one fact—that, from many concurring circumstances, a great fluctuation was taking place in the value of the land: for instance, he believed there were applications this Session for at least forty or fifty railroads. Suppose them successful—he did not mean successful to the speculators, but suppose the applications granted, suppose them passed into law, and railroads established, would not the necessary consequence be, to cause a very great revolution, which it was not difficult to foresee, in the value of land? Had not the improvements of steam-navigation in Scotland made the greatest possible change in the relative value of land in that country? What would be the consequence of improved communication of land carriage by means of steam? It would be, undoubtedly, to diminish the disadvantages under which distant land at present laboured; to a certain extent it would, in point of fact, annihilate space, and bring into competition with land hitherto enjoying the monopoly of town supply, land situated at a greater distance, hitherto uncultivated in consequence of its situation, but which intrinsically, when cultivated, might be more valuable and productive, and, when steam conveyance was more rapid and extensive, would come into most formidable competition with land, which, on account of its vicinage, now possessed the advantage of the market. What would be the bearing of all this on the produce of that land? It might hereafter become absolutely necessary to convert what to a considerable extent had enjoyed the monopoly of the market into pasture, or its produce might become greatly diminished in value. Now, was it not dangerous at once, in such a case, to apply the compulsory principle, and estimate the value of tithe on the average of the last seven years, as a future inextinguishable, permanent, unvarying rent-charge on the land? Was there no danger that the parties in possession of that land might feel the utmost dissatisfaction with the arrangement they were now making, and protest that by acts which they could not contemplate, to which they were no necessary parties—namely, encouragements afforded to steam-communication, the value of their land had been materially reduced? Against those acts they might have no right to protest; but would they not have a right to protest against the assumption of an arbitrary value, to be fixed as the basis of a permanent charge in time to come? Those were matters which well deserved mature consideration. There was great advantage in the voluntary principle, the circumstances with respect to tithe collections were so different in places; even in the same parish there were frequently two or three different kinds of tithe to be collected. The value of vicarial tithe differed very much from rectorial, and the expense of collecting the one was different from that attaching to the other, so that it was exceedingly difficult to say beforehand what was the principle which they ought to apply to compel the commutation of both. It was much better, therefore, to call into operation in such circumstances the voluntary assent of parties,—that assent, which in all civil matters was of the utmost importance, and the failure of which was the only reason for the application of law, than at once, without experience, to apply a general compulsory principle. He hoped the noble Lord really intended to make some alteration in this part of the Bill. He did not mean, of course, by the voluntary assent of parties, because he admitted, even if a voluntary principle were determined on, so much of compulsion should be added, that a certain number of parties interested in a parish should necessarily bind the remainder, lest by an extreme rigid adherence to principle they should altogether prevent the completion of any arrangement on this subject. He was sorry to have been led into this discussion of the principle of the Bill. At the same time it was wise to anticipate the difficulties by which they were encumbered, and not to be betrayed by a general desire to effect an arrangement, the policy of which, if practicable, all would admit, into the adoption of a particular measure, which, hereafter finding it impracticable, it might be necessary to revoke. He would offer no opposition to going into Committee, and he would lend his best assistance towards perfecting the material details of the Bill; but, so great were his apprehensions with respect to the application of any compulsory principle, that he very much feared investigation in the Committee would not remove them. If, however, his fears were removed, if he saw that a compulsory principle could be applied to individual cases, so convinced was he of the policy of effecting an arrangement on this most important subject, that no minor difficulties would induce him to withhold his consent to it.

Lord *John Russell* did not regret the discussion which had taken place, because when they came to consider the clauses of the Bill they might take advantage of the observations which had been thrown out, and their decisions, in consequence, he hoped, would be calculated to give a wider scope and efficacy to its provisions. His object in desiring the Bill to be committed that night was, that they might hear and have time to consider all those points upon which there was any difficulty, that they might listen to any practical suggestions, and adopt or reject them in rediscussing the matter after Easter, as might appear to be advisable. He agreed that it would be a great misfortune hastily to adopt a measure for the sake of its principle, which might afterwards be found so faulty in its details, as to aggravate the very mischief it was intended to remove. As to the question of a voluntary or a compulsory commutation of tithe, he considered the right hon. Gentleman had not fully answered the observation of his noble Friend, the Secretary-at-War, who stated that a measure to facilitate the voluntary commutation of tithes, connected with one of an indefinite nature in prospect, to provide for the compulsory commutation of them, would tend to retard rather than to advance the object for which it was enacted. The right hon. Gentleman thought that if the terms on which it was intended that the compulsory settlement should proceed, were to be stated at the outset, it would be more likely to have that effect. He looked upon the matter in a different light. He believed that if an Act to facilitate voluntary commutation were passed, declaring that, if a settlement on that principle was not effected in five years, another Bill would be passed of a compulsory nature, people would be led to anticipate some advantages from that measure, of the principle of which they are left in ignorance, and would, in consequence, in the mean time, neglect those voluntary agreements which it might be in their power to make, perhaps really of a more advantageous nature to them than those which they would be compelled to enter into under the subsequent Act. On the contrary, if the legislators said, that at the end of a year, or a year and a half, if the voluntary commutation be not sooner made, power shall be given either to the titheowner, or to the tithepayer, to demand a settlement upon certain terms, as that the titheowner shall not receive more, nor the tithepayer pay less, than a certain proportion of that which is paid at present, the question then in the mind of the parties, would be simply whether the terms of the voluntary or the compulsory commutation were the most advantageous, and the commutation would be either made at once, or postponed accordingly. If the Bill were so framed as to meet the cases of most ordinary occurrence, the effect will be that the parties would not consider it worth their while to wait any considerable time for a settlement equally desirable to each of them, to be effected under the command of the Legislature, and which they might enter into of their own accord, and without a moment's delay. He thought, therefore, if at the time of passing the Act for voluntary commutation the principle were stated upon which the future compulsory commutation was to be effected, it was more likely that a general voluntary commutation would take place, than under the plan of the right hon. Gentleman. The consequence of leaving all parties at liberty to enter into a voluntary commutation, without providing for an ultimate compulsory commutation, would be, in his opinion, as he had before mentioned, and he had not heard any argument to induce him to alter his opinion, that everything short of forcible resistance would be resorted to by the tithepayers to reduce the amount of the tithes to the lowest possible farthing. He might mention in proof of this, that he was not long since discussing this matter with a farmer with whom he was well acquainted, who told him that his tithes amounted to 2*s.* 9*d.* per acre. He then said to the farmer, "This is certainly less than I supposed you to pay, and I must confess that you will pay more under this Bill; how is it that you pay no more than 2*s.* 9*d.* per acre, when the average value of the tithe is not less than 6*s.* per acre?" The farmer said, in answer, "The fact is, that in our part of the country, we thought the Church got too much, we therefore battled the matter with them, until we thought they would reduce the tithe no lower, and then we came to a determination among ourselves to pay them no more than we do." This was the sort of conflict which would be carried on throughout the country, and the clergy it was to be feared, as in this instance would lose by the contest. Some persons said, that to give the clergy sixty per cent of the gross produce, by way of commutation, was too much, because the cost of collection, when taken in kind, amounted sometimes to fifty per cent. He had also heard it declared, on the part of the lay impropriators, that in some cases the cost of that collection was not more than ten per cent, and, therefore, to reduce them to seventy-five per cent, under a compulsory commutation, would be the greatest robbery imaginable. It was plain, and it was perhaps one of the greatest evils attendant upon the present tithing system, that, whilst the lay impropriator might demand and receive his ninety per cent of the gross produce, the clergyman was prevented from making a claim to the amount of sixty, on the ground that what he might gain by it in point of income, he would lose in that moral and religious influence which he must endeavour to maintain among those from whom his tithe was to be collected. That was one of those grounds, on which,—as well for the sake of justice as for the interest of the country at large, involved as that certainly was in a satisfactory settlement of the tithe question, he was most anxious that a Bill should be passed providing for a compulsory settlement of the question. With respect to the terms on which the Bill proposed to make the settlement, he had certainly heard many objections, but he agreed with the hon. Member for Cumberland, that it was more easy to make objections than to devise remedies, to point out the difficulties attendant upon a plan of this nature, than to indicate a course exempt from them; and with the exception of the suggestion made by the hon. Member himself, for which both the House and the Government were much indebted to him, he must say, that he had not yet heard any practical substitute for the provisions of the measure before the House proposed by any hon. Member. The plan he had most frequently heard proposed out of the House, had been, that a certain proportion of the rent should be taken in lieu of the tithe of the produce; but that was a plan which could not justly be adopted. It had been proposed by some one, that that proportion of the rent should be one-sixth. In examining a witness the other day before the Agricultural Committee, he had asked him what rent he paid, he said 14*s.* per acre, and, in answer to another question, he said that the tithe was 5*s.* 6*d.* per acre over the whole of his farm. Stronger instances than this might be mentioned, but he would ask the House whether it would be consistent with justice to reduce, as in this case, the tithe from 5*s.* 6*d.* to 2*s.* 4*d.* per acre, in order to make it square with this compulsory proposition of taking the tithe at one-sixth of the rent? and there were hundreds of instances in which the injustice would appear still more glaring. It had been mentioned to him that, in many instances, tithes had been commuted into a portion of the rent, or a portion of the land; but if such instances were more numerous than they are, they could afford no *data* upon which to proceed in establishing one general compulsory principle. It was one thing for two parties to agree upon such a commutation as that, and another for the House to sanction it, and adopt it as a general principle, by which all parties should be bound. Suppose one man owed another 100*l.*, and the debtor said to the creditor, "I am not able to pay you the 100*l.* in money, but I have a horse and gig, which you may take in discharge of what I owe you," this might be a fair equivalent, and one which the creditor would be willing to accept under the circumstances; but it would be a very different thing, if he were compelled by Act of Parliament, to waive his right to the 100*l.*, and take the horse and gig in lieu of it; and that would be precisely the injustice the House would commit, if they were to sanction a particular commutation of tithe entered into voluntarily by both parties, and lay down a principle from it to which every titheowner and payer in the kingdom should be bound to adhere. If, then, they set aside any such modes of determining the question as these, they must come, he thought, to something like the principle of this Bill. He did not say that they were to agree to it in all its details, but that they must adhere to its principle; because the produce of the land was that in which the right of the tithe-owner was vested; and when he was told by the hon. Member for Cumberland, that the produce for the last few years might be so great as to afford no fair criterion of the average produce, he answered, that the matter with which they had to deal was tithe or produce; and the time at which they had to deal with it was the present time; therefore, if they wanted to determine upon an equivalent for it, they could have no other criterion than its value for a certain number of years recently past, which being ascertained, they could only determine upon a certain portion of that value, 50, 60, or 80 per cent. as the amount of the compulsory commutation His hon. Friend, the Member for Cumberland, had observed, that if this principle were laid down, there were many cases in which it would bear very hard upon either the tithe-owner or the tithe-payer. He did not deny the fact; he acknowledged it to be one of those objections to the Bill which it was easier to make than to obviate —the difficulty which attached itself to the very nature of tithe commutation; but they must look at the general advantages to be derived from the commutation.—What was the testimony of men of science and intelligence upon the subject of tithe? It acted as a bar to improvement, which one general and uniform principle of commutation would effectually remove. At present, if a man laid out his capital upon land, and increased the produce of it by that means, whether he himself were a gainer or a loser by the outlay, the tithe would be increased in proportion to the increase of the produce; but the commutation being once permanently settled, the owner of the land might lay out his 5,000*l.*, or his 10,000*l.* upon it, increasing its general value and fertility, without being subject to any additional charge. The measure which effected such a commutation, removing that which was at present a penalty upon improvement, became a *bonus* and an encouragement to those who were disposed to employ their capital in fertilizing and improving their land. But, notwithstanding that fact, it had this disadvantage, that a person who had overworked and overploughed his land during the last seven, ten, or twenty years, would have to pay according to an amount of produce, which the land would not afterwards yield, and this would be, to him, a very burdensome tax. If the House should think proper to remedy this defect, perhaps it might be done by a plan suggested by Lord Spencer the other evening, when he was mentioning to him the heads of this Bill—that of charging the land, according to the criterion of every five years' produce, the owner of the land having the power to demand a fresh award; but this also was attended with its disadvantage: because it could not well be done without empowering the tithe-owner to require a change also, and to say to one farmer, "You, during the last five years, have changed your land from grass to arable, and as I am losing by your neighbour, who has changed his land from arable to grass, I must have an equivalent from you." Such a measure, instead of making a permanent settlement of the question, would cause it to be agitated from time to time; the improvement of the land would be equally impeded by the power given to the landowner, of increasing or diminishing the tithe according to the tithe payer's manner of cultivating the land. Then there was the plan of parochial commutation, proposed by his hon. Friend, the Member for Cumberland, which, he said, would be found in practice to work well; but he was inclined to doubt it. I should think, if the various tithe-owners and payers in a parish were brought together to decide upon a mode of settlement as against themselves, they would be more likely to fall into dispute, and quarrel, than to come to any agreement. But he believed that the plan might be modified in this way: that where no satisfactory applotment could be made between the parties in a parish, the Tithe Commissioners should be appointed as arbitrators to settle the matter, and that their decision should be conclusive.—Whatever might be the determination of the House upon these matters, there could be no doubt that if we were disposed to adopt any measure for the commutation of tithe, it must proceed upon the principle, that the agricultural produce of the country, under proper cultivation, was likely much to increase in quantity. If it were said, indeed, that it had been greater for the last seven years than it was likely to be in the seven to come, a measure for the commutation might be altogether inexpedient; but, he said, agricultural knowledge and skill had for many years past, greatly increased, and no prospect of its declining. He did not know why the art of cultivation should not increase with the increasing demand caused by the increase of people, and the prosperity which attended our manufactures and trade.—It was very certain that, owing to the improved agricultural processes of modern years, some parts of the country were cultivated with much greater skill, and much greater productiveness, than others; and consequently there must be large portions of land which had yet to be brought up to this improved standard of cultivation. It would undoubtedly be a great advantage to all who were employing their capital and their skill in the cultivation of the soil, taken as a body, to be subject to the payment of a fixed and certain amount, which could not be enhanced by the tithe-owner, instead of one liable to augmentation. At the same time, however, he must observe, that he despaired of being able to frame any measure for this purpose, from which some individual cases of hardship might not result. He should, therefore, go into Committee prepared to listen to every suggestion, with a view of obviating all such objections of detail as far as it was possible. As to the general principles of this Bill, however, he must say, that he considered them to be such as would do justice to both parties. He had not heard that the clergymen throughout the country had complained of the measure, though in some cases it took away forty per cent from their tithes; on the contrary, he believed it was a settlement which they were inclined to accept. At the same time he believed that the measure would not be a hardship upon the tithe-payer, but, on the contrary, looking at the general reduction it would give, and at the advantage of limiting the payments, the tithe-payer ought to regard it as a very great boon.—He had certainly heard some complaints made, but to an extent that he hardly gave credit to, as to the amount of deduction which should be made. He was inclined to think, that if the Bill, on its present principles, were adopted, it would be found to confer a great benefit upon the landowner, the titheowner, the cultivator, and the country at large. That being his opinion, it was undoubtedly his intention to proceed with the Bill. He did not intend to hurry it; he would have the details of it amply discussed, and the opinion of the House most fully expressed—convinced as he was, that the Government had done its duty in bringing forward a measure specific, just, and beneficial to all parties.

Sir *Edward Knatchbull* thought there would be more cases of hardship than the noble Lord had anticipated. If the noble Lord meant when he said that agriculture was likely to advance that the more highly cultivated lands in England, and those lands in Ireland which would doubtless speedily be brought into cultivation, would be sufficient to meet the demands of our population to whatever extent it might increase, he fully agreed with him. But what then was to become of the inferior soils under such competition? They would be thrown out of cultivation, and how would it be possible for them to pay the amount of tithe permanently fixed upon them by this Bill, on an average taken on the basis of their present value? There were many other points to which he would refer at the proper time. At present he would only say, that whatever the result of this Bill, and whatever the result of the Bill of his right hon. Friend might be, nothing could be more gratifying to the House and to the country than that this important question should have been brought forward and discussed as it had been, so wholly free from political or party bias. His noble Friend, (Lord John Russell) had failed, in rebutting the objections which were urged against his Bill at an early stage of the debate, by the hon. Member for Cumberland (Mr. Blamire) in the able and lucid speech for which the House was so much indebted to him. In the views of the greater part of that speech he cordially concurred. It was true, that a commutation on compulsory principles was abstractedly the best; and he was in favour of it,—because it would at once and for ever put an end to the jealousies and heartburnings respecting tithes; but if, by any erroneous calculations or false notions of right, the tithe-payer, were saddled in perpetuity with a charge that might absorb all the profits of production; if the probable result of a compulsory Bill, were to lead to great and glaring injustice; then, indeed, however, anxious for a compulsory commutation, he would rather bear the present ills of the system, than run headlong into a change that might increase them tenfold.

Mr. *Cayley* approached the present measure, or any measure of a similar nature—unless it were voluntary in its principle, with the deepest distrust and apprehension of the result. He was not only diffident of his own powers to decide this question equitably for both parties, but he was doubtful of the data on which others proposed to decide it. There could be no dissentient voice as to the principle of commutation of tithe; its object was to relieve the tithe receiver, especially if he was a clergyman, of an obnoxious and invidious and most unpopular mode of collecting an ecclesiastical revenue. It released capital to be hereafter invested in the soil from being taxed in the ratio of one-tenth of its gross returns. The difficulty in the question was, how to arrive at correct data upon which to ground a just arrangement. He was averse to any plan of reduction which amounted virtually to a release from the payment of tithe; he was equally averse to enhancing a customary payment, or perpetuating a charge on a temporary system of cultivation, to such an extent as involved confiscation. There were various opinions as to the origin and real legal claim of tithe. Authorities of equal weight differed in opinion. One said that the claim was one-tenth of the produce, another that it was one-tenth of the land; and he believed that Justice Wray had laid it down that every tenth laid in a field should be for the tithe-owner, and that the farmer might cultivate it as badly as he pleased. Into this question he should not enter. They could not go so far back. Latterly, decisions of Judges, he believed, had been more in favour of the tithe-owner than the tithe-payer. Whatever might be considered the law upon the subject, common sense and common justice had, in ninety-nine cases out of a hundred, protested against one-tenth of the produce being exacted of the latter, especially when, perhaps, three-fourths of the produce might have been the offspring of the capital of the occupier, and only one-fourth the produce of the natural fertility of the soil. He believed in no other country in the world was one-tenth of the produce taken as the test of the tithe. It could never have been the intention of the original devisors or imposers of tithes that they should tax labour—the most sacred of all kinds of property. However, a middle course had been for the most part pursued; agreements, real or implied, had been made between the tithe-payer and the tithe-receiver generally, on the basis, although the terms were various, of a composition at a certain rate. The cultivator, before he invested his capital, stipulated that only a limited increase should be made in his tithe, otherwise he refused to improve the land. Whatever increase there was, would be an advantage to the tithe-owner; and so, rather than lose this advantage, he would consent to abridge his claim of tithe; and on the faith of this, the capital was invested. The tithe on a farm which at its full value was only worth 30*l*. a-year, might thus be raised to 40*l*. the composition; although the full value, from double produce, would be 60*l*. Would it be fair to raise this? He contended, it would be the grossest injustice. Where agreements had not been made in limitation of the full tithe, and the system of improved tillage was only temporary, it ought not to be liable to a permanent charge. The only fair basis of commutation was customary payment, and customary tillage, or customary arrangement. There might be instances where customary payments were very high; that arose from the tithe-payers not being aware of the power in their own hands to thwart the tithe-owner. There were powers on both sides, which, in districts where the question had been agitated, were well known to both parties. The tithe man could take in kind, the cultivator could change his crops, and grow such as were of less titheable value. A clergyman in the county of Durham demanded increase of tithe from a large coal-owner; he met his demand by shutting up the coal mine in that clergyman's parish, and opening one in another; so that the tithes were all gone. He did not advocate such a principle, but gave it as an illustration of the power which was possessed on the one side as well as on the other. It was on account of this power on each side, by the exercise of which both, probably, would be losers, that an amicable arrangement was entered into. With such arrangements or compositions, Parliament ought not to interfere, unless to sanction them, or to afford means of arbitration where, with low prices, they absorbed all profit. The fault, the crying fault of his noble Friend's Bill was, that it went to disturb the proportions of those compositions. He, therefore, feared he could not give the Bill—for the whole Bill was contained in the provisions of the Clauses twenty-eight and twenty-nine—his support, unless the limit or *minimum* of composition was taken away. The noble Lord might say, that the tithe-owner could claim in full, and that it was unjust to him to allow of more than forty per cent, reduction. His answer was, that the reduction to forty per cent, was a concession to the habit of the country and to customary payment, and that he had forsaken his general principle in reducing the tithe at all, except for mere charges. And glad he was, that the noble Lord had forsaken the general principle, for it was the worst of all legislation to stand out for abstract rights and general principles in defiance of vested interests and common usage. Lord Althorp's second Bill went to ascertain the proportion between rent and tithe; and henceforward tithe was to fluctuate with rent, but retain the old proportion. That was much simpler than the present principle, and much more just, inasmuch as it laid down no limit to adjustment on customary payment. At the same time, it was faulty to a certain extent in principle, as continuing the tax on capital. He had given his noble Friend's Bill his best attention, but he could not sanction the limit on the *minimum* of composition. It would operate as confiscation; and we had had enough of confiscation of landed property in one generation. It would be with the greatest pain that he should feel himself compelled to go against his noble Friend's plan; he trusted he would see reason to alter it in Committee; for sure he was, the country, when it became fully aware of it, which at present it was not, would revolt against it. *The Morning Chronicle* had already sent out a very able article on its injustice. A certain bonus was held out, that all compositions over seventy-five per cent. should be reduced to that extent. This was, in his opinion, a mere nominal advantage in the Bill, for few he believed were so high as that. He could not understand either, why the Clause twenty-eight should not be on the same principle as twenty-nine:—twenty-nine related to composition, and was to be reduced to seventy-five per cent; twenty-eight related to collecting in kind, and was to have no reduction, but the ordinary charges. We must not forget that much land at present prices could not be tilled, and must either go to grass or to waste, in which cases the value of tithe would be reduced. Then the Corn-laws might be altered. He repeated, that the only equitable mode of adjusting this question was, by taking at least not more than the customary payments and customary tillage as the basis, so far as proportion was concerned. The actual money payment would, of course, vary with the price of agricultural produce. Here again he objected to the last seven years being taken as a test of prices, as well as a test of arrangement. It was only about two years ago that they had reached the bottom of a level which they must preserve, in consequence of the change in the value of money. The next five years, added to the last two, might be a fair basis; but certainly not the last seven. It was but fair to look, in some respects, favourably on the case of the tithe-payer. The increased expenses of cultivation, since the war, fell upon him; the tithe-owner, in the main, was free from these. There was a case given before the Agricultural Committee, when, prices being about the same as in 1790, the surplus for rent and profit on a large farm, in 1834, was only 330*l.* per annum, whereas in 1790, it was 851*l.* Now, supposing the tithe was at each period 150*l.*—and it would be about the mark—in the former time, it would be less than one-fifth of the profit and rent; and in 1834, it would be one-half. This showed how heavily tithe now pressed; indeed it might absorb all the rent in extreme cases. Even his noble Friend himself, in the Committee of 1833, he remembered very well, had contended that, according to the evidence, the usual payments for tithe had varied from fifteen to fifty per cent. reduction of the tithe in kind; and he contended that it would be confiscation to raise it from fifty per cent. If he remembered rightly, his noble Friend was Member for Devonshire then—he wished he had remained so; he must acknowledge, however, that, in introducing the present measure, the noble Lord had been perfectly candid in stating the difficulties in the way of a satisfactory adjustment of the question, and even threw out a doubt whether the voluntary Bill of the right hon. Baronet might not be more acceptable. It had appeared to him, that the most legitimate way of arriving at a sound conclusion as to the data on which to proceed with a commutation was, to ascertain what proportion was allotted in private Inclosure and other Acts in lieu of tithe for a length of time back. Since 1757 up to 1830, he found that two thousand private Acts of this nature had passed. Here was an extended basis for legislation. He had, therefore, moved for the following return, which had been ordered, viz.:—"Return from the Inclosure and other private Acts, in which provisions are included for the Commutation of Tithes, of the proportion in land, yearly money payment, or corn rent, allotted in lieu of tithe, distinguishing the old inclosures, the open field land, and the Commons, and the proportion for tithe allotted in the case of each of such description of lands." These returns would show what was the customary value of the tithe in the estimation of both the payer and the receiver. Latterly, he believed, the proportion had increased; whereas, in justice, it ought to have decreased, considering the increased expenses of cultivation. The fairest way would be to take an average of the whole period with respect to proportion. This would be found to be, if his information were correct, about one-fifth of the land in open field, one-seventh in the old inclosure, where the cultivator had the power in his possession of changing from tillage to grass, and one-ninth of the commons. But a proportion of the land was not so valuable as a proportion of the rent, because the latter was clear of all repairs and other such expenses. He hoped this return would soon be on the table. Some such knowledge would be the best basis to go upon. Each party had had the power to resist and refuse assent, and, therefore, it might be fairly argued that a just compromise had been come to between the parties. If the noble Lord persisted in his Bill and carried it, he knew cases where the tithe would be raised by it from 3*s*. 6*d*. to 7*s*. or 8*s*. per acre; and this where the composition had been last made, even under the high prices of 1810. If the Bill was not altered, he saw no alternative but for the landed interest to take shelter under the permissive Bill of the right hon. Baronet, the Member for Tamworth. He could not be said to be attached to Bills generally wearing that right hon. Gentleman's name; but as far as he had been able to see into the operations of his Bill, only a few days ago, he must say that it appeared to give great facilities for a voluntary commutation. He wished he would reserve the second reading of it until they could ascertain how far the present Bill could be modified; and then, under disappointment, they might claim protection under his voluntary Bill, which could, at least, work no injustice. If there had been the permissive Bill before, instead of 2,000 parishes commuting, we should have had probably 10,000 out of the whole 16,000, or some such number of parishes, already commuted. They had been prevented by the expense of a separate Act of Parliament. The best he expected from a measure of this kind—whatever advantage might accrue to new capitalists—would be to protect the old possessors from an enhanced rate of payment. He sought no undue advantage over the tithe-owner. The agriculturists were deeply distressed; they were sitting up stairs with the avowed object of discovering some mode of relief; it would be insanity to pass a measure which, in its unjust effects, might more than counterbalance any relief that could be afforded. He only feared that the expectations of the tithe-owners might have been so raised by the benefits which would accrue to them from his noble Friend's Bill, that they would no longer listen to reason and fair terms, even under a voluntary Commutation Bill. The landed interest, as a body, were better without any Bill at all than with the noble Lord's, as it at present stood. It was no advantage to the country generally, merely to release new capital from the tax of tithe, if the old capital invested in the soil were to be offered up a sacrifice to it. The case was full of difficulties; it was with the utmost diffidence he offered any opinion upon it. At present, he confessed he saw no equitable and safe way out of the difficulties but the voluntary principle, at least as a preparation for ulterior measures, although his mind was open to any suggestion that might offer itself.

Mr. *Benett* said, his hon. Friend was mistaken in what he said respecting the average of the last seven years, as the payment, though fixed, would bear a relative proportion to the current produce and value. As to what he said about customary payments, nothing could afford a more uncertain test. He knew one instance, in Wiltshire, where a man paid a composition, for forty-five years, of 300*l*. per annum; and, on the death of the incumbent, the tithes were again valued, and were only valued at 180*l*. per annum. And he knew another case, in Dorsetshire, where a farmer had paid only 120*l*. for tithe under a voluntary agreement, and when that was terminated they were valued at 246*l*. Thus it would be seen that the voluntary agreements between parties, in this way, would afford anything but accurate data on which to found a general compulsory enactment.

Mr. *Hodges* was understood to say, that, while he was anxious for an equitable adjustment and final settlement of the tithe question, he could not but admit that there were strong objections entertained against the present measure. The injury resulting from the project of taking the estimate from the last seven years, would extend over a larger share of England than the noble Lord imagined, and the discontent would be in proportion. Against the plan of taking the estimates from the last seven years he begged to enter his protest; and he hoped there would be introduced some modifications in the Bill, to render it palatable to the country.

Mr. *Wrightson* thought that the experience derived from Inclosure Acts was fully sufficient to found at once a compulsory system on. At the same time he did not think that the present measures had not the proper medium. To the twenty-ninth clause, which contained the principle on which the commutation was to be effected, he strongly objected, and he should prefer the voluntary Bill of the right hon. Baronet (Sir Robert Peel) to the present measure, if that clause were retained unaltered.

Mr. *Pryme* said, the principle of voluntary commutation was adopted in many cases, and was found not to have worked well. He thought the principle of compulsory commutation was the only good one. Most of the objections urged against the Bill were only applicable to the details, and therefore he would not, at that stage of the Bill, enter into them. He thought the present an improvement on the former plan.

Viscount *Ebrington* said, that his opinions on this question had been strengthened by what he had heard. Whatever might be the fate of this or any other measure brought forward on the subject, the country would at least see that the question was fully discussed, and that there was a desire on both sides of the House to do something effectual in the matter. He felt obliged to the right hon. Baronet for what he said, and he agreed with the right hon. Baronet, that no measure founded on the voluntary principle would be attended with any great benefit. Indeed, it appeared to him to be almost impossible to frame a measure on any one principle, which should be applicable to the whole of the kingdom. All the measures which had been brought forward in this House for the commutation of tithes had hitherto proved unsatisfactory; but of all the measures which had been brought under the notice of Parliament on this question, that which appeared best calculated to effect a practical compulsory commutation was the Bill introduced by Lord Althorp in 1834. Now, there was a very great objection to the principle of that Bill, and being aware of the objections urged against it from many quarters, he was convinced that it was quite impossible for Government to carry such a Bill through this House. He trusted his noble Friend (Lord John Russell) would endeavour to effect a compulsory commutation upon fair grounds; but he was afraid it would be found impossible to frame a measure upon certain fixed principles, so as to make it generally applicable. For instance, the *minimum* of sixty per cent, which this Bill proposed to give to the tithe-owner, might be just as respected other counties in England; but with regard to the county which he had the honour to represent, it would raise the value of tithes, which, partly from forbearance on the part of the clergy, and partly from local circumstances, was lower there than in the other counties in England. There were other circumstances which operated in Devonshire against the tithe-payer. A large quantity of pasture land had been brought under the plough. This had increased the burdens on the tithe-payer; and, when taken in connexion with the recent depression of prices, had tended greatly to increase the difficulties under which the agriculturists of Devonshire had been labouring. It had happened, too, that the amount of tithe had increased, in many instances, just as the means of payment had diminished. The great pressure of the tithe in some places, caused the strong desire which generally prevailed in that county for some commutation. If any plan could be devised, by which tithes could be commuted on fair and just principles, no man would be more desirous than he should be to see it carried into effect; for there was nothing which would give greater satisfaction to the country at large. He was aware, that it was a subject attended with great difficulties, and he should be willing to exert himself in order to overcome them, and settle the question.

Mr. Lennard's Amendment was withdrawn, and the House went into a Committee on the Bill.

On the 1st Clause—

Sir *Robert Peel* said, that the party who drew up the Bill seemed to have paid very little attention to accuracy. In one clause it was stated to be a Bill for England, and in another a Bill for England and Wales. He should like to know from the noble Lord, or from the Attorney-General, to what section of the empire, England alone, or England and Wales, did the Bill apply?

Lord *John Russell* said, the Bill was to apply to England and Wales; and the word England alone was used, as he understood that England included Wales.

Mr. *Arthur Trevor* inquired whether the two Commissioners who were to be appointed by the Secretary of State, would be members of the Church of England?

Lord *John Russell* was understood to say, that as the appointments emanated from the Crown, that was a sufficient guarantee that they would be properly bestowed.

Mr. *Cayley* wished to ask from what class of persons these Commissioners were to be selected? Were they to be of the same sort as the Poor-Law Commissioners? He thought they should be acquainted, not only with law, but also with the nature and value of cultivated land.

Sir *Robert H. Inglis* hoped that the interests of the Church would be attended to in these appointments. He wished that the answer of the noble Lord (Lord J. Russell) to his hon. Friend, the Member for Durham, had been different. It was but fair to ask, that where the property belonging to the Church was so much concerned, its interests should be carefully attended to in the appointment of those who were to arbitrate to so great an extent as to that property.

Colonel *Thompson* said, the principle which claimed that the Commissioners should be of the Established Church because the Church was one party to the contract, would go to prove there should be one Commissioner a Catholic, and another a Unitarian, because both these opinions existed among the parties on the other side.

Sir *Robert Inglis* said, whether the hon. Member for Hull meant it for wisdom or for wit, there was little to surprise in the fact of such a suggestion originating in such a quarter.

Colonel *Thompson* meant it for nothing but the wisdom of justice.

Clause agreed to.

On Clause 2nd—

Mr. *Arthur Trevor* said, from the reply his question had received from the noble Lord, he felt it imperative upon him to press on the House the amendment of which he had given notice upon this clause. It was evident, as the Bill stood, that the two Commissioners to be appointed by the Secretary of State, might be of any sect—Unitarian, Roman Catholic, or, in short, any person whatever. Now, though, in the opinion of hon. Gentlemen opposite, this discretion might be deemed a fitting discretion, he and other friends of the Established Church looked upon it with fear and apprehension. The remedy he proposed was this: the Archbishop of Canterbury was to have the appointment of one Commissioner; and, as there was no reason to apprehend that he would not appoint a member of the Church of England, it would be well to provide that, in every case in which the interest of the Church was affected, a casting vote should be given to the Archbishop of Canterbury's Commissioner. The effect of this precaution would be, that no decision could be come to unless it had the sanction of the Archbishop's Commissioner [*laughter*.] He was not surprised his proposition excited laughter from the other side of the House. Unfortunately, it was in the present day a bold deed to stand forward as the advocate of the Church of England; but, despite of taunts or ridicule, he was determined to do his duty towards that Church by supporting its interests. The hon. Member concluded by moving that after the words "No Report of the Commissioners shall be of any force," there be inserted the words "unless it be sanctioned by the Commissioner of the Archbishop of Canterbury.

Mr. *Richards* said, his hon. Friend, he was sure, would give him credit for being favourable to the Established Church, but he could not support the amendment his hon. Friend had introduced. In his opinion, it would not even bear discussion; he earnestly entreated him, therefore, to withdraw it.

Mr. *Edward Buller*: The hon. Member had professed to bring forward the amendment from a regard for the Church. In his opinion, it would be considered only as an expression of suspicion and distrust against the Dissenting portion of the community. The House must remember this Bill involved a question of property; and he put it to the House to say whether an honourable Dissenter of that rank in which it was likely those persons would be who would be selected for this purpose, would not deal quite as fairly with that question of property as any Churchman?

Clause agreed to.

On Clause 12, "Owner of land and tithe may contract for a commutaion"—

Mr. *Greene* rose to move an amendment. He objected to the principle of allowing individual commutation. He thought it would lead to great inconvenience and great inequality; and, in some cases, to the grossest injustice. The substance of his amendment would be this: that an individual should not have the power of commuting his own particular tithes, but that the consent of the whole parish should be required.

The *Chairman* required a more specific amendment.

Mr. *Edward Buller* considered that this clause involved one of the most important questions which the House would have to decide. It involved the question of individual and parochial commutation. The Bill of the right hon. Baronet, the Member for Tamworth proceeded rather, upon the principle of parochial; the Bill of the noble Lord, the Secretary for the Home Department, favoured the principle of individual commutation. He himself believed immense advantages were on the side of the former. The first object of course under this Bill would be to ascertain the right of the tithe-owner; this right he believed would be far easier ascertained by allowing the tithe-owner to state the average receipts in gross on a whole parish, than to prove his right in many individual cases; particularly when, as might and would indeed certainly often happen, there had occurred a change of occupancy, or when a person held under two landlords. Again: where the rights of the tithe-owner were brought forward in gross before the whole of the parishioners, there would be more likelihood of their agreeing to any reasonable proposal, the majority binding the rest, their decisions would not be obstructed by the obstinacy of individuals; and there would be less personal collision so desirable to be avoided between the clergyman and his flock, on the other hand he believed there could not but be great difficulties in the other mode of commutation: and the Commissioners in London would have all the trouble, and the same time and labour and expence would be incurred in sending down Assistant Commissioners to inquire into the tithe of a particular individual as if of a whole parish. He felt inclined therefore for these reasons to support the Amendment of the hon. Member for Lancaster.

Mr. *Pemberton* observed that it appeared to him as this Clause and the following then stood that occupying tenants, for instance under a lease for seven years, which must be nearly expired, would have the right of binding the inheritance for ever, with the sanction of the Commissioners without the consent of those really interested in the land. That surely could not be the intention of Government.

The *Solicitor General* said, such undoubtedly was not the intention of Government. It was their intention only to give the power to those who were really the owners of some portion of the inheritance: either the owner of the estate or the tenants, under church leases, leases for renewals, or for lives, who, as his hon. and learned Friend was aware were considered in the Courts of Equity as having a permanent interest in the soil.

Lord *Stanley:* Sir, it appears to me, that on this clause there are two important and distinct questions: first, what is the class of persons to whom certain powers shall be intrusted? Next, whether, having agreed as to the persons, it is fit that those powers should be intrusted to them? With regard to the first, I agree with my hon. and learned Friend near me (Mr. Pemberton), that under this clause, coupled with the interpretation clause, occupiers, for whatever term, paying less than a rack-rent; *i. e.*, as interpreted by the next clause, occupiers for less than three-fourths of the improved value of the land will be competent, as being included in the term "as owner," to make a bargain; which, with regard to its permanency, ought only to be made by a person having a permanent interest in the soil. If we are agreed upon this point, (as I believe we are), it will not be difficult to come to some terms which will convey our meaning; which is, if I understand, the opinion on both sides of the Committee, that only persons having a permanent interest in the soil should have the right of binding themselves and their successors. Now, we come then to the next point. I am of opinion that it is desirable, more especially if we desire to encourage voluntary commutation of tithes, that we should not limit too strictly mutual agreements, in the first instance, to parochial agreements. Under the first part of the clause, as it now stands, any gentleman having a permanent interest in the land is to have the power of agreeing with the incumbent for the amount to be paid by him in consideration of tithe during the period of that incumbency. Then, under the latter part of the clause, persons having a certain power of inheritance in the land, shall be entitled to make that agreement binding, not only upon him, but upon his successors; in the case of the incumbent, not without the consent of the patron or ordinary—in the case of persons not having a certain estate in the land, not without the consent of the Commissioners. Now, I am rather doubtful whether, even with the consent of the Commissioners, parties not having a certain interest in the land, a permanent interest, ought to be allowed to make an agreement binding their successors. But, again, there was a question raised by my hon. Friend, the Member for Lancaster, whether in the case of a single individual having an interest in the land, though an interest less than three-fourths of the whole value of the tithe-land in the parish, should be empowered to agree for himself and successors with the incumbent, with the consent of the patron or ordinary. I am inclined to think that in this case, the case of persons having a fee-simple estate, it would be beneficial to depart from the principle of parochial agreement, and to allow that individual, on his own behalf, to make his commutation without the consent of the parish generally; for I cannot understand why an individual should be bound down by the decision of a majority in his parish, so as to be prevented from entering into an agreement, which Parliament is desirous of sanctioning. At the same time, it is my opinion that it will not prevent parochial agreements being afterwards entered into; on the contrary, if all the landowners in a parish were to see the beneficial effect produced in the case of an individual commutation, its tendency would be, not to discourage but to encourage it; every other landowner being impelled to it by the example of his enterprising and successful neighbour. Now, Sir, some hon. Gentlemen say, " don't encourage individual commutation; if you do, look at the want of uniformity you will produce—one individual in a parish commuting, and another not." Why, Sir, the very same argument will apply to counties. " Look, what an unequal, what a checquered system you introduce. In one parish the tithes are commuted, in another the old system prevails. In one hundred the tithes are commuted, in another not." Seeing, therefore, that this argument may be as justly carried out in respect to counties as with respect to parishes, I am, on all considerations, disposed to agree to this clause, so far as it enables a person having a real interest in the parish to commute on his own account with the tithe-owner, having the sanction of the patron and ordinary, or of the Commissioners. But I am not disposed to extend the interpretation of the word " owner," as it is proposed to be extended, so as to allow any person, not having a permanent interest in the inheritance, to make a commutation binding upon his successors, even though made with the consent of the Commissioners.

Mr. *Cutlar Fergusson* deprecated the injustice of preventing an individual willing to commute from commuting, without the consent of the majority of the parish.

The *Solicitor General* said, with regard to the objection against allowing commutation by any except the absolute owners of the estate, it should be recollected how impossible and unjust it would be to throw upon the tithe owner the burden of finding whether the person with whom he was treating was possessed of the absolute fee-simple. That was only one of the inconveniences which would result from such a restriction. He admitted the Clause was somewhat erroneously framed; and that as his hon. and learned Friend, the Member for Ripon had pointed out, it might include more than was intended by the Government to be included. At the same time he could not consent to make the clause nugatory, by requiring an absolute ownership.

Sir *Robert Peel:* the Clause under consideration allows any owner of land, and any owner of tithe, to contract with each other. It would therefore appear that the owner of land, part of which is subject to rectorial and part of it to vicarial tithes, might, if the owner of the former consented, contract with him, and that with the consent of the patron or ordinary, that contract might be made a permanent one. In the 17th Clause, it is enacted, that " to every agreement that shall be entered into for the commutation of tithes, pursuant to the provisions of this Act, there shall be parties the owner of the land whereof the tithe is proposed to be commuted, as also *every* owner of *any* tithe arising from, or out of, any such lands?" Now I ask, is it intended that a party holding land subject to two descriptions of tithe, may contract with the owner of one description of tithe? [The *Solicitor General.* Certainly not.] Then what is the meaning of the words in Clause 12, " the owners of *any* land and the owner of *any* tithe may contract with each other?" How is it possible to reconcile the 17th Clause to the 12th Clause. It appears to me that individual commutation of tithe by voluntary agreement, will open the door to great abuse: it will produce, first a greater want of uniformity than at present exists. In the same parish you may have tithe-free land, the tithes of which are commuted under the system of individual voluntary commutation, and land subject to the payment of tithe in kind; thus not attaining that object so essential to the settlement of this great question, uniformity. You will have every variety of tithe, and consequently every mode of recovery adapted to the different descriptions of tithe to be recovered. Then, as to individual award, which should be connected with the consideration of individual commutation by agreement. I think you ought not to give an individual the power of inflicting the inconvenience and the expense of the complex machinery introduced by this Act for the settlement of his particular tithe. But the most important question under this Act will be the question of jurisdiction; how will you provide for the recovery of the different portions of the rent-charge to be paid by each individual landowner; how will you for instance, in the case I have just put, provide for the recovery by the rector and the vicar of the different portions of tithe?

The *Solicitor General*:—The parties agree: say the Rector for 30*l.* the Vicar for 15*l.*; well, then each of them will have their rent-charge to those distinct amounts.

Sir *Robert Peel:* But there is no distinct provision for the mode of recovery of their tithe or that such agreement shall be necessary; and I see great difficulty in the way of settling that point as the Bill stands.

Mr. *Goulburn*: With respect to individual commutation by agreement, I confess I do not see so much difficulty in the way of general parochial agreement, yet, as the consent of each party is necessary, if you combine the consent of the rector and vicar, I am not disposed to offer any opposition to the clause at this period.

Sir *Robert H. Inglis* concurred with his noble Friend (Lord Stanley), that voluntary individual commutation would lead to general commutation through the parish, and that the clause as it now stood, limited by the word "owner," would meet the necessities of the case.

Lord *John Russell.* I think that as to the mode of recovery: there will be no difficulty, and that justice will be done by this clause: when the owner of the land and the owner of the tithe agree. I can see no danger whatever in individual voluntary commutation. With respect to individual or compulsory award, I will not now touch upon that.

Lord *Stanley* suggested that the last line and a-half of the clause in question (unless the same should have been confirmed under the hands and seal of the Commissioners) should be omitted; the effect of which would be, that while preventing an incumbent from entering into an agreement for a longer period than his own incumbency, without the consent of the patron and ordinary, as the persons permanently interested in the revenues arising from that particular parish. It would at the same time prevent any owner having an estate less than a fee-simple or fee-tail from entering into any agreement for a longer period than the period of his estate. The present clause gave to the Commissioners the right of superseding the rights of all successors and inheritors, and he suggested that they should take away that power from the Commissioners of sanctioning an agreement with a person having only a limited fee.

The *Attorney General* (Sir *John Campbell)* considered the rector and the vicar, in the case put by the right hon. Baronet, the Member for Tamworth, as joint owners of the tithe, and therefore the consent of both was necessary. With regard to what the noble Lord, who had just sat down, had said, as to limiting the power of agreement binding successors and inheritors to owners of fee-simple or fee-tail, he entirely protested against that opinion. There was a Bill now upon the table which he had had the honour of introducing into the House, the great object of which was to give to the owners of particular estates the power of enfranchising copyholds; at present the liberty to agree with the landlord for enfranchisement being limited to owners in fee-simple or fee-tail. The principle of that Bill had been sanctioned by the House, and it was upon that very principle that this clause had been framed. Indeed, if that principle was not admitted, they had better strike out the clause altogether; for it was well known that all the great landed estates of the country were preserved in the family by their being limited, with remainders in tail; almost all the nobility in the country held their estates only for life, with remainder in tail to first and other sons, &c., and the effect of such a limitation as that proposed by the noble Lord, would be to render the clause, nearly, if not wholly, ineffectual by imposing a most widely-operating check upon the power of commutation.

Mr. *Pemberton* had never conceived it possible, as the Bill was framed, that the consent of both rector and vicar should be required in the case put by his right hon. Friend (Sir R. Peel). He was surprised to hear the hon. and learned Attorney General say, that the rector and vicar were joint owners of the tithe. Nobody ever heard of such a thing! And he could not conceive that Government intended to prevent the possibility of an arrangement with the vicar without the consent of the rector; and *vice versâ.*

The *Solicitor General*: There appears to me, Sir, to be two points raised by my hon. and learned Friend the Member for Ripon. First: whether the rector and vicar should be allowed to commute distinct from each other; and secondly, whether the Clause, as it stands, gives them the power of doing so. Now to advert to the latter point, in the first place: at the beginning of the 12th Clause, it is enacted that the "owner of any land, and the owner of any tithe, may contract" together in manner hereinafter mentioned. In the 17th Clause we find a provision, that "in every agreement which shall be entered into for the commutation of tithe, pursuant to the provisions of this Act; that there shall be parties, the owner of the land whereof the tithe is proposed to be commuted, as also every owner of any tithe arising from or out of any such land." Now although, undoubtedly I admit there may be some apparent obscurity in the first of these clauses, yet the words "in manner hereinafter mentioned," plainly couple it with the second, and therefore it is clear what meaning is meant to be conveyed by the two together. Now, to look at the question in the light of principle; is it or is it not advisable to require the concurrence of the rector and the vicar in any agreement for commutation of tithe. I do assure hon. Gentlemen that this was matter of very serious consideration to Lord Althorp, and I admit that it is fair matter for discussion. But he came to the conclusion that it was advisable to prevent the possibility of jobbing between the owner of the land and the tithe owner, or of one of those persons, to the prejudice of the other.

Mr. *Goulburn* agreed in the necessity of preventing that species of jobbing, but was of opinion that in the succeeding part of the Bill that danger was not sufficiently provided against, inasmuch as any landowner might compel any tithe-owner to commute his particular tithe.

The Clause was agreed to.

The House resumed; the Committee to sit again.

CHAIRMAN OF SELECT COMMITTEES.] Sir *James Graham* said, that in order to fix the practice of Parliament with respect to the power of the Chairman of a Select Committee to vote, he thought an uniform rule should be laid down, and established by a declaratory resolution of the House. It was not necessary to argue the point, because it must rest on the analogy to the practice of the House itself, and the equity and justice of the case demanded, that in a Select Committee, where the numbers were so small, the Chairman should not exercise so very preponderating an influence as the power of voting, except where the votes on each side were equal. He should therefore now move, according to the notice he had given, the following resolution:—"That, according to the established rules of Parliament, the Chairman of a Select Committee can only vote when there is an equality of voices."

The motion was agreed to.

HOUSE OF LORDS,

Monday, March 28, 1836.

MINUTES.] Bills. Read a second time:—Cornwall Assizes; Macclesfield Small Debts.

Petitions presented. By the Duke of WELLINGTON, from Stafford, complaining of Agricultural Distress, and for Relief.—By Lord HATHERTON, from Stoke-upon-Trent,—for the Repeal of the Duty on Newspapers.—By the Earl of WESTMORELAND, and Lord de LISLE, from various Places, for Alterations in the Ecclesiastical Courts Consolidating Bill.

HOUSE OF COMMONS,

Monday, March 28, 1836.

MINUTES.] Bills. Read a second time:—Slavery Abolition (Jamaica).—Read a first time:—Alien Registration; Stamp Duties; Steam Vessels (Thames)' Regulation; Landlord and Tenant (Ireland).

Petitions presented. By Mr. AYSHFORD SANFORD, from GLASTONBURY, for the Better Observance of the Sabbath.—By Mr. GROTE, from Henley-upon-Thames, that that Place may be included in the Municipal Corporations' Act; and from the Manufacturers of Tobacco and Snuff of London, for the Repeal or Alteration of the Law respecting their Trade.—By Colonel BRUEN, from Carlow, for a more Equitable Assessment for Grand Juries.—By Mr. OSWALD, from the Wine and Spirit Merchants of Glasgow, for the Repeal of the Law respecting their Trade; and from the Booksellers, Stationers, and Printers of the same Town, for the Repeal of the Duty on Newspapers.

DUTY ON COFFEE.] Mr. *Crawford* said, he had to present a petition which he was sorry to say had been in his hands for the last month. He must also express his regret that none of the Ministers were present in their places who might naturally be supposed to feel an interest in the petition, especially the Chancellor of the

Exchequer and the President of the Board of Trade. He regretted their absence the more, because, on presenting this petition, he was going to make a statement which more immediately referred to the departments of both these right hon. Gentlemen. The statement he was about to make materially concerned the commerce of the country. The parties whose names were signed to this petition were the proprietors and consignees of coffee to this country, being the growth of the island of Ceylon and of the territory subject to the Madras Government. They prayed for relief, and the prayer of their petition was founded on an Act which passed that House towards the close of last Session. The object of that Act was to relieve the grower of coffee in Ceylon, and the territory of Madras, from the additional duty previously charged on East-India coffee, and to place them, in respect of duty, on the same footing as the growers of coffee in the West-India colonies. They prayed that the East-India coffee now in bond in this country, or on its way here, might be entered at a duty of sixpence per pound. Last Session of Parliament the Chancellor of the Exchequer announced, that the duty on coffee, the produce of the East and West Indies, would be equalised, and for this purpose a short Bill was brought in by the President of the Board of Trade. The present petitioners were quite satisfied with that Bill, but there were other parties, who, it was bruited at the time, were not so well pleased—he meant the West-India interest. The Bill was reported, without any amendment, and in that shape was satisfactory to the petitioners. On the third reading, however, the Chancellor of the Exchequer introduced a clause which required the production of a certificate of origin, which could be had only in the East Indies, before the East-India coffee in bond in the country could be introduced at the diminished rate of duty. The effect of that clause was, to continue on all the coffee already imported the disadvantage under which the East-India growers laboured. Upon finding that this was the case the petitioners memorialized the Lords of the Treasury. The Lords of the Treasury referred this memorial to the proper revenue officers, for the purpose of being informed by them whether there would be any difficulty in distinguishing between coffee the growth of Ceylon and the Madras territory, and coffee the produce of other places. The answer was, that there would be no difficulty whatever. In point of fact, too, the quantity which could be imported at this time from the East, and particularly the quantity which was ready to bring into the market, was so small that it could not possibly affect the price of coffee, or injure the West-India interest. Still the Lords of the Treasury alleged want of power to grant the memorialists' prayer, and refused to act on the report of the officers of the Customs. This doctrine was new to him and to them, and the result ultimately was, that as this coffee could not be bought in if a higher duty than sixpence a pound was required, the whole of it was forced into exportation to compete with coffee the growth of other countries, to the injury of the consumer here, and also of the revenue. It was his impression, certainly, that the Treasury, under such circumstances, always granted fiscal relief, but here it was refused. In fact, at the very time when the East-India merchants were refused any relief, and on the very same article relief was granted, and granted in opposition to the spirit of the Act of Parliament to the importers of coffee from Africa : it was provided in the Act, that coffee, the growth of Sierra Leone, should be introduced at a duty of sixpence the pound. But that was strictly confined to the territory of Sierra Leone, and yet he found that coffee which had been grown 600 miles to the east of Sierra Leone, and was by the Act as much excluded as Madras coffee, was introduced here upon the very same terms as if it had been grown at Leone itself. If there was want of legal authority in one case there was in the other, and if Ministers wanted indemnification in one case, it would be equally necessary in the other. The Lord William Bentinck had recently brought a cargo of coffee of 150 tons from Madras. It was produced by the enterprise of a set of gentlemen there, who certainly did not deserve to be treated as if they were foreigners. But though the origin of the coffee was undeniable, it was not accompanied by the proper certificates of growth, and it was obliged to be sold for exportation. In this single instance the revenue suffered a loss of 9,520*l.*, and the consumers were injured by a short supply. A different course, a course more just to all the parties concerned, would have added to the revenue, benefited the consumer, and promoted the advantage of the British merchant and the grower of coffee in our

East Indian possessions. If the Chancellor of the Exchequer, or the President of the Board of Trade were present, they could not contradict these statements.

Mr. *Labouchere* did not think the hon. Gentleman could fairly impute blame to Ministers, as he had not given any notice of his intention to present this petition. Were his right hon. Friends present, he believed they would have no difficulty whatever in giving a satisfactory answer to the statements of the hon. Gentleman. He recollected the discussion which took place last Session upon this subject. The Government then expressed their desire and readiness to equalise the duties on East and West India coffee, but they were bound at the same time to take care that it was a *bona fide* equalization. A certificate was required as to West India, and it was but just that the same security should be had with respect to Ceylon and Madras coffee. The smallness of the quantity did not alter the case. It was the duty of Government to see that there was no unfairness in the transaction, and that coffee from Singapore, or any other place, should not be brought in under the name of Ceylon or Madras coffee. Government, in acting as they did, had done no more than what they had distinctly announced to Parliament they would do.

Mr. *Patrick Stewart* fully concurred in what fell from his hon. Friend who spoke last. The principle of the Bill of last Session was as he had represented it. The principle of equality of duty was that laid down by the Chancellor of the Exchequer, and he was friendly to that principle. Duty, however, was not the only thing to be equalized. There were other burthens to which the West India growers were subject, that ought to be taken into the account. For his part, he was not a grower, but a consumer; but yet he thought Government could not, in justice, dispense with the test of *bona fide* production.

Petition to lie on the table.

MUNICIPAL REFORM (IRELAND).] Lord *John Russell* moved the third reading of the Municipal Reform (Ireland) Bill.

Mr. *Shaw* said, that considering his connexion with the most important beyond all comparison of the Irish Corporations, and that he had not before troubled the House with any observations on the principle of the Bill, he hoped they would not deem him presumptuous in taking that early part in the night's debate. He did not desire to use the language of exaggeration, when he said that a more important question than that before them never, perhaps, occupied the attention of the House. Whether they regarded the time at which it was introduced, the peculiar and anomalous condition of Society, and the circumstances of the country to which it related, the difference between the professed and, perhaps, sincere object of many of its supporters, and the hidden motive of its real promoters, still more the tendency of its enactments, he did not believe it possible to over-rate its importance, or to magnify the vital consequences which might flow from the measure, as affecting all the essential interests of Ireland—its political tranquillity, its social condition, the cause of true religion there, and the permanent peace, prosperity and happiness of that portion of the United Kingdom. It was very material that the real question in dispute between the two sides of the House should be fairly considered and rightly understood; with that view he would caution the House against two errors equally great, though extremely opposite—the one involved a charge against those who, under the circumstances already explained to the House, dissent from the Bill—that they were the enemies of all Reform, the bigotted sticklers for every corporate abuse, and that they set themselves against all change or improvement; the other of the opposite character—that they were in this case ultra-destructives, more anxious to destroy than to reform—while some, amongst whom was the noble Lord, the Secretary at War (Lord Howick), declared that they were fighting for a shadow, and factiously contending for that which was a distinction without a difference. If the House would indulge him for a few minutes, he thought he could show that all these representations of the position of those with whom he acted were equally removed from truth. He would endeavour in a very few words to state, and very shortly to adduce his proof, what was the real point at issue. With regard to the abolition of existing Corporations, his side of the House adopted the very words of the Bill introduced by the other. The Government had conceded to the opponents of the Bill the appointment of the officers of Justice, and placed it in the hands of the Crown, with the single exception of the election of the mayors. Respecting the management of the trifling property which belonged to the Corporations of Ireland, there was no substantial disagreement between them. But then he came to what did form the real and essential difference, and it was this—the establishment of fifty popular assemblies or debating societies, under the name of town-councils, which the Government said were for the peaceable and good Government of the towns, which the hon. and learned Member for Dublin (Mr. O'Connell) would describe as normal schools for teaching the science of peaceful agitation; but which he (Mr. Shaw) and his friends at once and openly denounced as so many political engines to be transferred from the hands of one of the great contending parties in Ireland to the other, to be worked by an irresponsible power, hostile to the peace of that country, and the interests of this, and which wielded at its arbitrary will, as by a single arm, the passions and the physical force of an ignorant and too often deluded multitude. Let them for a moment compare the two propositions. That originally sketched out by his right hon. Friend, Sir R. Peel, and afterwards reduced to form by his noble Friend, Lord Francis Egerton, had for its object the extinction of existing Corporations, the efficient and impartial administration of justice, and the internal peace and good Government of the cities and towns of Ireland. It proposed to remove all just causes of complaint; to put an end to sectarian distinction; and to surrender the exclusiveness of political influence. The means suggested to attain that end were, to place the administration of justice on the same footing as in counties at large—to vest the property in a temporary Commission, to be appointed by the present Government, with powers to institute a searching inquiry after, and to recover by process of law any property that may have, if any, had been improperly alienated—to pay off incumbrances—to make compensation to the parties entitled to it—as far as practicable to abolish tolls—to make over all charitable funds to Commissioners specially appointed; and then, instead of applying what remained to the maintenance of mayors, town-councils, and corporate officers, to apply it to the public benefit of all the inhabitants of each city or town to which it might belong. The police to be governed by one uniform system, applicable to the whole country, according to the Bills introduced by the Government for Ireland this session; and the ordinary corporate functions of paving, lighting, and cleansing, &c., to be discharged in Dublin, as at present, by the Boards now existing, which are uncontrolled by the present Corporation, and over which the Bill gives no power to the new Corporation. By the local Acts now in operation in almost all the principal towns in Ireland—and leaving the 9th George 4th, c. 82, so much praised by the Commissioners and by the right hon. Gentleman (Mr. O'Loghlen), to be adopted in all other towns that desired it, he contended that, independently of the great and paramount political objection to the establishment of fifty popular assemblies in Ireland, by the means proposed by those with whom he acted, the towns would be better governed, the peace better preserved, and all strictly municipal duties much better performed, than under the provisions of the Bill. As to the plan of the Government, his side of the House agreed in abolition. The Government had, bit by bit, yielded up the appointment of the officers of justice—first the Sheriffs, then the clerks of the peace, the qualification of jurors, the discretion of the town-council as to the Commission of the Peace, the salary of the Recorder, and, in short, all but the mayors; though, no doubt, upon their own principle, they would prefer these should have no magisterial power, in decency to the pretence that they must be kept up, they could hardly strip them of all authority. But their great point was, town-councils, popular control, and assimilation to England. He would then examine their Bill, and see how they acted upon those principles; first, for example, take Dublin, in property, population, and importance, equal to nearly half of all the Corporations in Ireland; there the Government, suspicious of their own principle, did not venture to apply it. The Bill did not invest the new town-council in Dublin with control over the Ballast Board, the Wide-street Commissioners, or the Paving Board, but expressly excepts them from its operation, and, by the way, the Commissioners state in their Report, that, with the addition of a few clerks, the

Paving Board would be quite adequate to regulate the affairs of all the local taxation of Dublin. With respect to the police — the popular control to which the noble Lord, the Secretary for Ireland, would subject it was described in a Bill delivered last Saturday, the preamble of which is, " whereas it is expedient to substitute a new and more efficient system of police within the Dublin metropolis, and to constitute an office of police, which, acting under the immediate authority of the chief secretary of the Lord-Lieutenant, shall direct and control the whole of such new system of police." As to the ten other places of importance, they were at present, and were to continue to be, almost entirely governed by local Acts now in force—and any other town that pleased might adopt the provisions of the 9th George 4th, c. 82. He would now pass to the thirty-nine boroughs in schedule C.; it would amuse the House to learn something of the nature and character of these thirty-nine mighty municipalities—for which alone this Bill seems, in respect of really corporate objects, to provide a new constitution. Population, property, and having existing Corporations, are alleged to be the ground on which they are selected. Would the House believe that the whole of these Corporations put together have a population of little more than 200,000, and that their entire property is about 13,000*l.* a year—that is, they (the thirty-nine taken altogether) fall short of the population of Dublin alone by more than 30,000? They have not half the property, and yet for Dublin the Bill provides a mayor, sixteen aldermen, and forty-eight councillors, while for the management of half the property, and 30,000 fewer inhabitants, it gives thirty mayors, 180 aldermen, and 440 town councillors. He defied the supporters of the Bill to show any one principle upon which it was founded. He denied that it was either population, property, existing Corporations, or any combination of these three; it set all calculation at defiance. He challenged a single reason why Belturbet and Bangor, with their 2,000 population, were retained, while Newry and Dungarvon, with their population of 13,000 and 10,000, were rejected from the Bill as it stood last year. If it was said that the Bill kept all that were reported as " effectively subsisting," he could show ten that were omitted from the list specified under that head. If it was alleged to be population, he could show seventeen boroughs included in the Bill of last year and now omitted, which contained a population of 80,000; while they had retained seventeen, whose populations together only amounted to 58,000. If they were driven to property, then they were met by the fact that the whole thirty-nine boroughs in schedule C. had but 13,000*l.*, a year among them; and that thirteen of the number were without any property at all; and ring the changes as they pleased upon population, property, and existing corporations, the Government could not produce the shadow of a cause why they struck out Thomastown and Midleton, while they kept Bangor, Wicklow, and Belturbet. The truth was, they had been labouring against their own conviction. At every step of the Bill they betrayed a consciousness that they had no sound principle to sustain them, and each concession that they had been forced to make to reason and common sense, served but to prove that they were endeavouring to give colour to the pretext of a general corporate system, which a hard necessity imposed upon them as the price of the support of those whose only object was to have fifty legalized debating clubs or political associations scattered throughout the country under the assumed and fraudulent titles of ancient corporate assemblies. All he (Mr. Shaw) could say was, that if such were established in Ireland, with their accompaniments of daily canvassing and yearly registrations, constant elections, and interminable excitement, the perpetual trial of party strength and exhibitions of party triumph, to expect, under such circumstances, peaceable government of the towns, and a calm, efficient administration of the laws, reason must have lost her influence, and the lessons of experience have been learned in vain, the whole course of nature changed, or what would be as extraordinary, Ireland suddenly transformed into a sort of paradise, where passion and prejudice could not exist, and political strife or religious animosity had never found an entrance. The noble Lord, the Secretary for Ireland, had, on a former occasion, done him the honour to quote some observations he had made in the noble Lord's presence, upon the swearing in of the present Lord Mayor of Dublin, with a view, he presumed, to exhibit some inconsistency between the opinions he then held and the course he was now taking. He considered they were perfectly consistent. He believed the substance of the passage quoted was, that he was ready to admit, that when any great organic change was made in the constitution of a state, there should be an harmonious and gradual adaptation of all its parts and members to its altered and actually subsisting condition; and it was entirely in the spirit of that sentiment, that looking to the present condition and circumstances of Ireland, seeing that the Emancipation Bill had passed, the great alteration made by the Reform Act, and considering that it would be childish to legislate at the present day as if the last ten years had not elapsed, he was ready to act upon the principle that civil qualification was to be the test for civil office, and to advise the experiment, for experiment it must be called, of that which he would for convenience call the Protestant party, although the party existed for centuries before the name of Protestant, making a voluntary surrender of their exclusiveness or ascendancy, or whatever other style it was pleased to give to those means which, whether rightly or wrongly, the English nation for the last seven centuries had thought necessary for the security of those who represented their feelings and maintained their interests in Ireland. He had certainly desired, if it were possible, to build upon the ancient foundations, and to retain somewhat of the character of the original building; but upon the most anxious consideration, and having regard to the origin and essence of the Irish Corporations, he found it to be absolutely impossible consistently with the object he had just professed. He thanked the noble Lord for having reminded him of another expression of his, used at the same time, namely, that he deprecated subversion under the specious guise of reformation. He disliked all false pretences, and he must say, that his Majesty's Ministers were liable to that charge when they maintained that the Bill, as affecting the ancient and existing Corporations of Ireland, was not a measure of entire and unqualified annihilation. Aye, but its supporters would fain go further, and raise up a rival party in their name and on their ruins, while, at the same time, they endeavoured to throw dust in the eyes of the public, charging those who refused to take that further step, with proposing a more sweeping and destructive substitute. The history of the Corporations, the experience of every man who knew Ireland, every line of the Commissioners' Report, demonstrated that the Irish Corporations never were intended for, and never answered the purposes now pretended. Dublin was granted, in the 12th century, by Henry 2d., to his men of Bristol, as an English fortress; and for a long succession of ages were to be found recorded in Charters and Statutes the repeated acknowledgments of almost every successive Sovereign of the faithful services of that Corporation—not in paving and lighting and cleansing, or any other corporate purposes, but in raising armies and expending their blood and treasure in defence of the British Crown and Government, and in upholding the British connexion in that country. In Dublin, the functions of the Corporation had always been more political than corporate, and the present Bill, while it proposed to transfer the political power to new hands, alarmed at its own principle, did not venture to grant the corporate functions, but left them in the hands of the existing Boards that now managed them. If he (Mr. Shaw) were asked for proof that in Dublin the transfer of power would be made from one party to another, he gave it in this fact, that although since the passing of the Reform Act one-fourth of the registered electors were freemen of the old Corporation, yet the influence of the 10*l.* householders had uniformly preponderated against them, and returned the Members to Parliament; throw out these 1,900 who would have no votes in the corporate constituency, and it was plain that the whole power would be in the hands of the extreme party on the other side. Then if the House desired to know the opinion of the citizens of Dublin on this subject, he would just quote a passage from the proceedings of a club there, calling themselves "The Central Independent Club of the Citizens of Dublin," but who were under the complete control of the hon. and learned Member for Dublin.—They stated the object to be "to secure the independence of the city, and to give them their legitimate influence," by which means they stated that "the club would be able to wield such a corporate constituency as to secure the wards, the common council, the board of aldermen, and every other office of delight and influence"—turn to the original purpose of the Irish Corporations, the Commissioners report that James 1st gave charters to fifty-five Corporations in Ireland, and they say, "that these were in fact close Corporations, exclusively Protestant." With respect to Belturbet, which was retained with its two thousand inhabitants, the Commissioners report, that "originally created for Protestant purposes, it always continued an exclusively Protestant Corporation." And so late as within the last century an Act was passed relative to the Corporation of Kilkenny, which in its very title, purported to be "An Act for strengthening the Protestant interest in the Corporation." But, as he (Mr. Shaw) had stated already, before the distinction of Protestant and Roman Catholic was known, party spirit was almost as rife in Ireland as it had been since. The same parties, under the names of English and anti-English, of the original inhabitants and the settlers, one possessing the property, the other representing numbers, one set contending for the possession of the country, the other to expel them, maintained a constant warfare. At the Reformation, the English party adopted the religion of this country—the Irish kept their own, and no doubt the difference of religion has since served not only to mark more plainly the division, but had naturally contributed to embitter the still more ancient strife between them. Let it not, however, be said that this was a matter of religious inequality, for all the Protestants now asked, with respect to the measure before the House, was equal terms. And was there a man in that House that would venture to get up in his place, and seriously assert that, in the present state and circumstances of Ireland, any sane legislature would attempt, not only to apply similar principles of legislation, but identical enactments to that country and to this? The present Bill itself belied the supposition, for it was totally different, especially as regards the administration of justice from the English Act on the same subject. And what were the Police and Constabulary Bills brought in by the noble Lord opposite this session, but continuations of the Whiteboy Code, the Insurrection Acts, the Peace Preservation, the Suppression of Association, and the Coercion Acts, while this Bill would establish fifty such associations that no law could reach, and various shifts and devices which those Acts recited and provided against, as having been resorted to for the evasion of the law, which would be no longer necessary. But surely, whatever others did, his Majesty's Ministers could not forget their own speeches and acts upon that subject, much less the speeches which within the last few years they had put into the mouth of his Majesty, and the Acts which, upon the ground of a strong necessity, they had called upon that House to pass? It was not long since his Majesty had been advised by his present Ministers to tell that House, that insubordination and violence were raging in Ireland, the law set at defiance, and life and property insecure. Did Ministers forget the despatches of Lord Wellesley, their own Lord-Lieutenant, describing lawless combination as in full force, and a complete system of savage legislation established almost in every district of three provinces in Ireland? He would not now refer to the causes so clearly and forcibly traced out in these despatches. Could Englishmen forget the remarkable expression there applied to the condition of Ireland, that, in many parts of it, it was safer to violate the law than obey it? Need he refer to the observations of Lord Althorp to the same effect, when ridiculing the notion of assimilating the two countries in legislation, while one enjoyed the blessings of a well-regulated liberty, and the other was labouring under the double curse of terrorism and slavery? Would to God that he (Mr. Shaw) could say with truth, that the present condition of the country was materially improved; but let any unprejudiced man compare the reports of the proceedings at the Irish, compared with those at the English assizes, and say, could he justly come to that conclusion? Did they hear in England of sixty-eight persons charged at one assize town for murder of men, the witnesses of murder, declaring, that, from fear of their own lives, they had to keep the secret for months, and forcing the Judge to exclaim, that, thank God, there were happier regions where such fear did not exist, and so dreadful a secret could not have slept so long?—another Judge, witnessing the total frustration of the ends of justice in a case of the foulest murder, having to declare aloud, that if such a state of society were allowed to continue in that unfortunate country, the inhabitants might well pray to God to deliver them from it, and to shorten their days? The number of homicides returned for the last few years in Ireland was enough to make the blood of humanity run cold; and Lord Hatherton, when Secretary for Ireland, said, that during his Secretaryship, the reports of murders in Ireland made to his office averaged two for every day in the year. It was only the other day that he had read in a daily journal, high in the confidence of the Government, that, in the county of Kilkenny, there was what was termed a house of call for murders, where a book was kept, and it was only necessary to enter any man's name, and make a deposit, according to a fixed scale of prices, in order to procure that man's house to be burnt, his cattle destroyed, or himself or family murdered in cold blood—the higher atrocity only to be measured by the money-price set upon it. And would Englishmen admit, that a country in this state of barbarous uncivilization was to have its laws assimilated to theirs? Would it be borne in this country, that the priest of any religion should exercise that despotic sway and spiritual tyranny over the minds of the people that universally operated at the Irish elections? Was it fitting to increase tenfold the number of political elections in a country where men, who voted against the popular will were suffered by the so-called ministers of religion to be dragged from their places of public worship, and the wood of the pews which they occupied broken to pieces, and placed before their windows, and in sight of their families, in the forms of gibbets and of coffins?—where the Roman Catholic priests could so far forget their sacred duty, and desecrate their functions, as to persuade their ignorant flocks, that every vote they gave was for their God? [" *hear*," from Mr. Roebuck.] Did the hon. Member for Bath really mean by that cheer, that such a course could be justified? [*Mr. Roebuck* had not so intended.] He would state a still more aggravated case of an election where great political excitement prevailed, and the priest from his altar declared that it was not to be considered an election on earth, but in heaven, where every vote that was given was registered. And would it, then, be said, that sound popular control could operate amongst a people in a country where such things could be said, and believed, and have their fearful influence? This very priesthood it was whom the hon. and learned Member for Dublin, in his project as to the Volunteers of Ireland, had told the people they should resort to in all worldly matters in place of the lawful magistracy; and the priesthood in return openly boasted, " that set up a cabbage-stalk in the name of O'Connell and Repeal, and they would return it by a triumphant majority." Did his Majesty's Ministers really believe, that, by increasing such a power as that, they would add to the happiness of one single human being, who was subject to it? Did the noble Lord opposite, and those about him, themselves find the same service to be perfect freedom? Was this the luxury of liberty that the noble Lord, the Secretary at War (Lord Howick) had on a former night described? Depend upon it that party who were demanding that Ireland should govern herself, meant that they should be allowed to govern her. When they asked for equal laws, what they intended was, that they themselves should obtain the power of administering and controlling them—and when they declared with menaces and threats, that they would have justice for Ireland, they were only grasping at the sword of justice for their own purposes. England would have cause to rue the day they gained it—it would be no longer the instrument of equal laws, nor would it turn to the ploughshare of peaceful industry, but an iron rod of despotism to their deluded followers, and of fierce oppression to their opponents. It would be wielded as the weapon of unceasing hostility to the interests of England and the integrity of the United Kingdom. He would entreat the House to consider how each successive concession had been received, and made the groundwork for further demands. When Roman Catholic Emancipation was granted, then its warmest supporters were denounced as Orange, and as bigoted as its most strenuous opponents. Next came Reform—and who had been so maligned as the Marquess Wellesley, Lord Anglesey, the noble Lord on his left (Lord Stanley), and all the most distinguished supporters of that measure? When Repeal was the order of the day, when the object was to gain the Orangemen, they " were noble, and generous, and high minded," and the

Whigs, who opposed it, were "base, bloody, and brutal." But when this further step to that measure of fifty licensed associations became necessary, then the Orangemen who had rejected the former overtures became "fell fiends and an infernal faction," and the name of Whig, which a short time since, "if any person desired to describe the extreme of meanness, selfishness, and hypocrisy, would supply his every purpose of execration," was now synonymous with "justice to Ireland." Since then, the leaders of the Orange party in Ireland had nobly and generously sacrificed feelings connected with their earliest associations, and run the hazard of giving offence to their dearest and most valued friends, in order to anticipate the wish of the Crown, and to meet the general feeling of this country; and yet they were held up by the organs of the opposite party as having betrayed and deserted the friends and the cause they would willingly have laid down their lives to serve. And now the Protestants of Ireland, surrendering for peace-sake the last of their former privileges, have proposed to their opponents terms of perfect equality, which had been disdainfully rejected, and thus the prediction fulfilled—that nothing but supremacy would satisfy them. He expected little from an appeal to the House in the present position of party politics. From his Majesty's Ministers, whatever might be their own better judgment, it was in vain to expect any good result from that judgment in the present case, depending as they were for their daily existence upon a party whose only object in the present Bill was the political power it was calculated to confer on themselves. But he felt entitled to ask his Majesty's Ministers, and they should let the country know, what were their real intentions with respect to Ireland. He had seen what he might call a demi-official announcement of the intentions of his Majesty's Ministers in reference to the present measure. It was from an authority high in their estimation. [An *Hon. Member:* It was a Tory journal.] Then *The Morning Chronicle* was a Tory journal. The paragraph was as follows:—"We are satisfied that no person can read these instructions without fully concurring in the statesmanlike and conciliatory view taken of the whole case by his Majesty's Ministers. They are grounded on the same principles with their policy towards Ireland, and it is impossible not to see the obvious analogies in the two cases. In Canada there has been an ascendant English, as in Ireland there has been an ascendant Orange party, and it is not easy to reconcile either to their loss of power and influence. But in Canada there is at least this advantage, that no religious difference has been added to other difficulties, and as the English inhabitants are willing now to restrict their claims to an impartial administration of the judicial and executive authorities (independent of the annual votes of the other party in the House of Assembly), the application of the same principles by which it is proposed to provide for the administration of justice in the Irish Municipal Reform Bill will effect that object, and secure the undisturbed enjoyment of their property and pursuits of industry by the numerical minority, leaving the majority in possession of all other political power and influence." If this was the real intention of the Government, the people of England should be fairly apprised of it. To them—to their recollection of former attachments — to their generous nature, and above all to their sense of justice, he made the appeal of their Protestant brethren in Ireland. It was right, that the British public should know in respect of the present measure the real state of the case as far as the Irish Protestants were concerned. They did not desire the continuance of a single abuse; they consented, under the present circumstances of Ireland, to the abolition of existing Corporations. They only asked, that they should not be transferred to their opponents; that their property should be appropriated to the general benefit of all the inhabitants of the particular localities to which it belonged; that the administration of justice should be in the hands of the Crown; that from that source might be dispensed equal laws, equal government, and impartial justice. But with regard to the political power and influence which they surrendered, they implored this country not to transfer it to the hands of a party who had been always hostile to the British Crown and British interests. He did not desire on the part of the Protestants of Ireland to raise the cry of "No Popery," in any political spirit. He supposed the hon. and learned Gentleman, as he had said the other night, judged of others by himself when they made a statement of a fact; but he repeated, that he did not join in the cry of "No Popery," in any spirit of politics; but, on the other hand, he would religiously conjure the people of England not to suffer the principle of no Protestantism to be acted on in Ireland. He would tell them, in all sincerity and truth, that if additional power was given to the Roman Catholic priesthood and agitators in Ireland, that being the sole object of the present Bill, there would be no security for the religion, the property, the liberties, or the lives of the Protestants in that country; and he would warn the English people, on their own account, that if they did increase that power, they would be laying the foundation either of the final dismemberment of the British empire, or of a necessity to reconquer that portion of it which his unhappy country constituted. The right hon. Gentleman concluded by moving, "that the Bill be read a third time that day six months," and sat down amidst loud cheers.

Mr. *Blackstone:* In rising to second the motion of the right hon. Gentleman, I take an early occasion of expressing my satisfaction at having an opportunity afforded me of giving a satisfactory and honest vote in opposition to the principles of the Bill introduced by his Majesty's Government. Having been one of the minority who recently supported the resolution moved by the noble Lord, the Member for Lancashire, I think it but fair and candid to state to this House, that on no occasion did I come to a vote with greater difficulty and uneasiness, or one which since has given me a greater cause for regret. The more I have reflected upon that subject, the more I have had reason to believe that the principles there adopted, though probably less felt in their immediate results, were infinitely more subversive of the constitution, and dangerous to the liberties of the subject, than those contained in the Bill upon the table. I object not merely to the principle of destroying all vested rights, but to the unconstitutional powers to be erected in their stead, to carry out the principles of destruction. It has been stated that these Corporations are exclusively Protestant, and the right hon. Baronet, the Member for Tamworth, has argued, that in carrying out the measure of 1829, which he introduced for the relief of the Roman Catholics, it is inconsistent with the principles of that Bill to support a Protestant ascendancy; but he is equally averse to giving the ascendancy to the great portion of the nation differing in religious views. To avoid this the right hon. Gentleman proposes to abolish all the institutions together, that neither party may have a triumph. Now, Sir, let us apply that principle to the Established Church in Ireland; being in the hands of a minority in that country, it is most undoubtedly a species of Protestant ascendancy, equally militating against the principles of the Bill of 1829. Now, as the Catholics are not to have the ascendancy, the Church must share the same fate as the Corporations, and be totally abolished in carrying out the principles of the noble Lord's resolution. But, Sir, I have to condemn, in the substitution for these defunct Corporations, the fresh unconstitutional powers to be vested in the Crown, usurping all the municipal functions, and centering in it all the privileges hitherto possessed by the people. I trust I shall always be found to support the just prerogatives of the Crown, but I am equally jealous of the rights and liberties of the subject. I will not further allude to the resolution in question, but again declare that I conceive the present opposition to the third reading of the Bill introduced by the Government to be the most manly and straightforward course to adopt. I agree most perfectly with the right hon. Gentleman, that it is most dangerous to the properties and liberties of the Protestants in Ireland to throw these Corporations into the hands of a priest-ridden and bigotted multitude; and, as he has so ably depicted the state of that country, I shall not attempt to follow him; but again repeating my gratification at being able to give a direct vote in opposition to this Bill, and as an independent Member, determining to oppose every principle which I conceive to be dangerous to the constitution, come from whatever side of the House it may, I beg leave to second the amendment, that this Bill be read a third time this day six months.

Mr. *Ward* had one fault to find with the speech of the right hon. Member for the University of Dublin. It seemed to him to be a speech, not on the motion for the third reading of the Bill, but upon the motion of the noble Lord, the Member for South Lancashire. The proposition of that noble Lord had reduced the question into very narrow limits. Hon. Gentlemen opposite had given up, as untenable, the position they had always maintained in every previous discussion. They had given up the principle of the inviolability of corporation property. They had abandoned the ancient and wise institutions of our ancestors, and had condescended to adopt that plain and simple rule which taught us to regard those institutions, rather with a view to their utility than to their age, and to retain or to abolish them as we found them suitable or not to our own wishes and times. He should like to know, from hon. Gentlemen opposite, what had induced them to adopt this course—He should wish to know from the hon. Baronet, the Member for the University of Oxford, upon what possible principle he had adopted this course. He should wish to know from the noble Lord the Member for South Lancashire, why he had followed it. He should like to know from another hon. Baronet, the Member for Bristol, who opposed the third reading of the English Municipal Reform Bill, why he had adopted this course? He should wish those hon. Members, each and all of them, to reconcile, if they could, the votes which they were going to give this night with the strong language which they had used on former occasions. He saw no principle on which they could defend their proposed destruction of Corporations in Ireland, unless it be that which leads an army to spike its own guns lest they should be turned against them after they had fallen into the possession of the enemy. Now, he protested against their legislating on any such false assumption. He could not consider the corporate system of one third part of the empire as a weapon to be turned by the Catholic against the Protestant population of Ireland. He considered this Bill for the better regulation of Municipal Corporations in Ireland as an engine for promoting good local government in that country. He was certain that it would be found a powerful engine for accomplishing that object when left to the natural operation of time and circumstances. Though at first there might be, as there had been with us, elections made under the influence of strong reaction, he was convinced that, in the long-run, no man would be chosen by the municipal constituency who was not prepared to exercise his municipal functions impartially for the benefit of the community at large. He wished to see the Municipal Corporations of Ireland purified from abuses, and secured against the return of the abuses from which they were purified, by the vigilant superintendence of popular control. All the arguments urged by hon. Gentlemen on the other side of the House resolved themselves into this—that the vigilant superintendence of popular control, and the impartial administration of justice by means of corporate Magistrates, could not exist together in a country so distracted by party as Ireland. They seemed inclined to contend that we were bound to look to the impartial administration of justice, but that we were not bound to look to the machinery by which that impartial administration of justice was to be effected. Now, he admitted, that for the impartial administration of justice great sacrifices ought to be made, but he must contend, at the same time, that the machinery for securing it was by no means an unimportant consideration. Municipal institutions were, in his opinion, the first step to liberty, and after they were established the best and firmest guarantee for its continuance. They were the best schools for teaching the principles, and the most constitutional fortresses for defending and preserving the privileges of freemen. To use the words of an eloquent foreigner, De Tocqueville, "They are to liberty what primary schools are to science. They bring it within the people's reach. They teach men to use it, and to enjoy it. A nation may establish a system of free Government without municipal institutions, but it cannot establish the spirit of freedom." For his own part he could not see any reason why the House of Commons should deprive Ireland of the rights which it had secured to the people of England and to the people of Scotland, on the score that the people of Ireland had long been divided, and still continue to be divided, into conflicting parties by the difference of religious opinions. On what plea was it that they now denied to the people of Ireland the possession of those rights of which the people of England and the people of Scotland were now in the calm and tranquil enjoyment? They were denying the possession of those rights to the people of Ireland on this solitary ground, that it would be the transfer of power from one exclusive party—and he thanked the hon. and learned Member for the University of Dublin for admitting that his was an exclusive party—to another equally exclusive. But was there, he would ask, no difference between these two parties, admitting them to be equally exclusive? Was not one of them an inconsiderable faction, and was not the other the bulk of the population of Ireland? The right hon. Gentleman opposite (Mr. Shaw) had called their attention to the wide distinction which existed between the minority and the majority of that population. He had stated that the minority was powerful from its property and its intelligence, and that on that account the majority ought not to have full sway. Now, to that opinion of the right hon. Gentleman he should oppose the opinion of the right hon. Baronet, the Member for Tamworth, who had admitted that in all matters, save those which had reference to the impartial administration of justice, the constitutional rights of the majority ought not to be set aside. [" *No, no,*"] He did not intend to misrepresent the opinion of the right hon. Member for Tamworth; but he certainly understood the right hon. Baronet to have expressed the opinion to which he had just alluded. Would they then deny to the people of Ireland the rights created by this Bill? and why did they deny them? Because the majority of them were Roman Catholics. There was no other reason in the world. If they had been Presbyterians, or Protestant Dissenters, or Unitarians, or Baptists, or members of any other sect, they would not have endeavoured to withhold from them those rights; but because they were Catholics they were determined to refuse them. He was well aware that for many years past it had been the policy—God knew that it never had been, and that it never would be the interest — of the British Government to rule Ireland by and through that minority of which the right hon. Member opposite was so distinguished a Member. But surely the House neither had forgotten, nor would forget, that ever since the first concession of privileges till then withheld, and of rights till then denied, had been made to the Roman Catholics in 1779, our history had been one continued history of concessions, one continued relaxation of the penal code forced from the Legislature by that spirit of justice and that love of equal rights which, even in the worst of times, had always been the distinguishing characteristics of the British Constitution. In the year 1829 the final seal was set to those concessions, and every barrier was removed which for so many years had distinguished the Catholic from the Protestant subjects of his Majesty. He did not wish for a better or a more comprehensive definition of the object of the Act of Emancipation, which was then passed, than that which was given a few evenings since by the right hon. Statesman who prepared it. The right hon. Baronet, the Member for Tamworth, had fairly told the House, that his object in bringing in that Bill was to establish a perfect equality of civil rights among all sects and denominations of his Majesty's subjects, and to make a man's civil worth, not his religious faith, a test of his fitness and qualification for office. He now called upon the right hon. Baronet to work out his own principle fully and fairly by giving his assent to the third reading of this Bill, without casting any unjust imputations upon those who were to be benefited by it. He had been too hasty. He ought not to have attributed any such imputations to the right hon. Baronet—the right hon. Baronet had scorned to use them, but they had been avowed by his party, and lavishly flung around, without any regard either to truth or to justice. That party had declared over and over again, and the right hon. Gentleman the Recorder of Dublin, had this night declared that the mere fact of there being such persons in existence as Irish priests and Irish agitators was a sufficient cause to disqualify the people of Ireland for the enjoyment of municipal rights—that so overwhelming was the influence of the priests and agitators, so calculated was it to taint every social and political relation in Ireland with a moral pestilence, that it was neither safe nor prudent to trust the people of Ireland with those rights, which had been granted in full perpetuity to the inhabitants of the other portions of the empire. The same tone and the same argument had pervaded the discussion of a former night. The hon. and learned Member for Bandon had alluded to certain expressions which he charged the hon. and learned Member for Dublin with having used respecting the Knight of Kerry during all the heats and animosities of a contested election, and had contended that those expressions formed a sufficient excuse for denying to the people of Ireland the rights which were now fully enjoyed by the people of England and Scotland. Another right hon. Gentleman, who had formerly been Secretary for Ireland, rested his speech and his argument entirely upon a violent speech said to have been delivered by Father Kehoe to his congregation from the altar. He would not enter into a point that was unquestionably open to discussion—namely, whether that speech had been correctly reported or not; for his own part he was inclined to think it was correctly reported, and for this reason, that if Father Kehoe had had the means of disclaiming it, he would certainly have availed himself of them—which, to the best of his knowledge, the rev. Father had never yet done. [Mr. *O'Connell*—Father Kehoe has disclaimed it.] He would speak out frankly and fearlessly—if Father Kehoe had used the language attributed to him, he had undoubtedly abused the influence of his situation; for a clergyman who mixed himself up with the violence of politics—no matter whether he were a Catholic or a Protestant clergyman—desecrated his holy functions, and injured, instead of served, the cause of religion. But admitting, for the sake of argument, that one Irish priest had abused the privileges of his station, was it right to say that every other Irish priest had been equally guilty of the same abuse, and to assert that that was a sufficient reason for withholding from the whole people of Ireland rights to which they were justly entitled. There was no man, either in that House or out of that House, who felt a greater respect than he did for the clergy of the Church of England. He believed that they were men of liberal education, excellent morals, blameless character, unimpeachable conduct, and, in general, singularly useful members of the community at large. But had the country never witnessed any acrimony or violence of temper—had it never heard any coarse language — among the ministers of the Church of England? He might allude to a very recent occurrence, and might say, "We have had some specimens within the few last weeks of the excess to which bigotry and fanaticism can carry a large party of the clergy of the Established Church." He would pass that over, however, without further notice, and would allude more particularly to a case which he thought ran nearly parallel with that of Father Kehoe. He held at that moment in his hand the report of a speech delivered on a very grand and solemn occasion, at a great Conservative meeting, attended by all the wealth and all the respectability, and, to borrow the phraseology of hon. Members opposite, all the property, of South Cheshire. At that meeting a speech was delivered by a clergyman of the Church of England, which would rank with the speech of Father Kehoe, and which ought no more to be taken as a criterion of the sentiments of the clergy of the Church of England than Father Kehoe's speech should be taken as a criterion of those of the Catholic clergy of Ireland. He held in his hand the speech of the reverend Joshua King, delivered at a grand Conservative dinner in South Cheshire. One of the arguments pointed against the hon. and learned Member for Dublin, on a former night, was, that in an address which he had made to the electors of Limerick, he had called all those persons who had intended to vote against the liberal candidates demons. Would the House believe it, that the reverend Joshua King, who professed to be a minister of charity and religion, and to preach peace and good will among men, had called a measure which had passed that House, and had been deliberately sanctioned by one branch of the Legislature, "diabolical?" He was not willing to look with too great nicety at these expressions; but if they were to avail themselves of every unguarded expression which fell from a rash and imprudent individual as a reason for stripping the people of Ireland of their rights, they ought, on the same principle, to have denied the Reform Bill to the people of England, because there were some individuals who urged it forward with precipitate violence, and because the people of England were led away by their influence. Let this House listen to the language of the reverend Joshua King:—

> The grant to Maynooth had been followed up by one of the most atrocious, unprincipled, and diabolical measures that ever disgraced a Christian legislature, and which none but the very refuse of the Whig faction, impelled onwards in the mad career of revolution by Popish agitators, intriguing fanatical Dissenters, and infidel Republicans, would have ever had the audacity to insult the public by proposing.

That was the language of a minister of

the Church of England, who had the cure of 62,666 souls in two different and distant parishes. His example would not contaminate the inhabitants of both parishes, for one of them he intrusted to the care of his curates, and the other, which he called his patrimonial property, he superintended himself. That, he begged the House to remark, was the way in which a clergyman of the Church of England had deliberately spoken of a measure which had received the deliberate sanction of one branch of the Legislature. That same individual, on the same occasion—and he suspected that the reverend gentleman's sentiments were very much to the taste of the meeting, for the Report represented them to have been received with loud cheering—that same individual had thought fit to speak in the following terms of the House of Commons, and of some of its members:—

> Whenever the clergy of the Established Church were disparagingly mentioned (and they were never alluded to by certain Members without acrimony and the bitterest invective), such discordant yells were set up as were not surpassed in a menagery of wild beasts at feeding-time, there being nothing human but their forms, and he was told that the two Whig members for that county, and the shallow-pated Radical for the city, had learned the Irish yell to such perfection, that they would on such occasions, astound even a keeper at Pidcock's or Wombwell's menagery. And this was the conduct of Legislators in the first Reformed House of Commons."

He would put it to his hon. Friend, the Member for the University of Oxford, whether he had seen, in the last House of Commons, or in this, the second Reformed House of Commons, any instance of the House treating the clergy of the Church of England with that contumely and disrespect of which the reverend Joshua King so bitterly complained? There might be different views entertained by different Members as to the best mode of administering the rights and property of that Church, but he boldly averred that there had been no such conduct witnessed in that House as the reverend gentleman had taken upon himself the hardihood of asserting. Just as well might the speech of the reverend Joshua King be taken as a criterion of the sentiments of his reverend brethren in the Church of England, and be urged as a proof that the people of England, over whom such men exercised spiritual influence, were unworthy to exercise municipal rights, as the speech of Father Kehoe be urged as a reason for disqualifying the people of Ireland for the enjoyment of the privileges of Municipal Reform. The fact was, that the right hon. Baronet (Sir Henry Hardinge) had come down to the House full of the evidence contained in the Report of the Intimidation Committee. It was a singular circumstance that, with his excellent memory and his acute powers of discrimination, the right hon. Baronet had never seen but half the evidence taken by that Committee. One half of that evidence told strongly against the landlords, and the other half strongly against the priests of Ireland. The right hon. Baronet had brought the latter half prominently forward, and had skipped, with singular agility, entirely over the former half. The House would suppose, from the right hon. Baronet's statement, that there was nothing like compulsion on the part of the landlords, and nothing but undue influence and intimidation on the part of the priests. The death's head and cross-bones had also been brought forward in the same cause, and for the same purpose, by the right hon. Baronet. In this very district of South Cheshire, however, to which he had just been adverting, he could state upon the authority of one of the Members for that county, that a Conservative meeting had been held, to which the parties went in procession, preceded by flags, which answered exactly to the description given to those said to have been reared by the hon. and learned Member for Dublin, save that they placed the word "Catholic," where the hon and learned Member was said to have placed the word "Protestant." At that meeting there were poured forth denunciations fast and furious against all those Members of Parliament who had the courage to vote for the extension of equal rights and privileges to our Roman Catholic brethren in Ireland. There was even a proscription promulgated against them. The hon. and learned Member for Dublin was represented as the Devil *in propriâ personâ*, and his tail was figured at wondrous length. He did not see how violence of language could be urged on the one side as a fair argument for withholding from the people of Ireland rights to which they were entitled, and yet could be laughed at on the other as a mere joke, not worthy a moment's thought to any man of common sense and feeling. The argument, however, which the right hon. Baronet had derived from the violent language of priests and agitators was nothing but an old argument revived; for it had been urged from the very first moment that concession was demanded as an objection against making it. He knew that the right hon. Baronet, the Member for Tamworth, had scouted that argument, as it deserved to be scouted whenever the question of emancipation was under the consideration of the House. How the right hon. Baronet, who had formerly scouted it, could attach such importance to it now, when it was applied as an argument for refusing Municipal Reform to the Corporations of Ireland, he could not for his life conceive. In a former debate, in 1825, when this argument was urged as an objection to Catholic Emancipation, it was splendidly and triumphantly refuted by that illustrious statesman, Mr. Canning. He did not know whether the House recollected the passage to which he was alluding; if they did not, they would perhaps bear with him whilst he refreshed their memories by reading it:—"It is brought forward," said Mr. Canning, "as another objection to the concession of any political power to the Catholics, that they are, in Ireland especially, under the absolute guidance of their priests and of their political leaders—men whom they regard with a veneration bordering on idolatry: Sir, I admit the fact; but I lay the blame on another quarter. If the Roman Catholics are idolaters in religion (as we swear at this table that they are), we cannot help it. But if they are (as is now alleged), idolaters in politics, it is we who have to answer for their error. If we withdraw from them the more legitimate objects of political reverence—if we deny to them, as it were, the political sacraments of the Constitution, what wonder that they make to themselves false gods of the champions of their cause—of their spiritual and political leaders? But, fortunately, the cure of this crime (if it be one) is in our hands. Let us open to them the sanctuary of the law—let us lift up the veil which shuts them out from the British Constitution, and show them the spirit of freedom which dwells within—the object of our own veneration. Let us call them to partake in the same rites with which our purer worship is celebrated. Let us do this, and depend upon it we shall speedily wean them from their present political idolatry; and leave deserted the spurious shrines at which they now bow down before their Doyles and their O'Connells." He might, and indeed he did, differ from some of the expressions which Mr. Canning had used in this magnificent passage. He could not call the shrines spurious at which the people of Ireland now bowed down and worshipped. He thought that no man who was "a mere Irishman" could exist without feeling deep gratitude to the hon. and learned Member for Dublin for the important services which he had rendered his country. The man who could divest himself of such a feeling would not have the ordinary feelings of his kind. But had the advice which Mr. Canning gave with so much statesmanlike prudence in 1825, been followed by those who had the power of carrying it into execution—would the hon. and learned Member for Dublin have been in possession of that vast and commanding influence which he now enjoyed? It was the refusal of the Government of that day to act fairly by his country that had rivetted the influence of the hon. and learned Member for Dublin in the hearts of his countrymen—that had given him a power which might be dangerous in the hands of a single individual, which he would not say was undesirable in the present circumstances of Ireland, but which ought not, and which would not, exist under a sound state of policy. It was because he wished to see the hon. and learned Member for Dublin brought down to the level of his fellow countrymen, that he would not give to Ireland any new cause of complaint by rejecting this Bill. That was the main point which the House was now called upon to consider. It was now admitted on all hands that the Irish Corporations could not exist any longer in their present condition. Even the speech of the right hon. Member for the University of Dublin was full of admissions to that effect. He admitted that there were abuses in them which could neither be defended nor palliated. The only question then left for the House was, what they ought to substitute for those Corporations? The only question was, whether they would consent to the destruction of these Corporations altogether, or to the substitution of a system of popular rights and popular control. Would they hesitate as to what they would do were the case their own? Had they hesitated when they were legislating for Scotland? Why, then, should they hesitate when they were legislating for Ireland? If they were to adopt the proposition of the noble Member for South Lancashire, and to destroy these Corporations without raising fresh ones on their ruins, the people of Ireland would become as nothing. He might, perhaps, be suspected of partiality in bestowing his praise upon Lord Mulgrave; but, undeterred by that suspicion, he would say, that that noble Lord, in one single year of his Administration, had done more to assuage the violence of party feeling, to conciliate the people of Ireland, to obliterate from their minds the memory of past grievances, and to inspire them with hopes, that in future justice would be done them, than all his predecessors since the Viceroyalty of Earl Fitzwilliam. With a population placed in the circumstances in which the population of Ireland was placed, he should grieve to see the Lord-Lieutenant mixed up with all the petty appointments to be made by the Crown in the towns deprived of Corporations. But if that were a dangerous experiment even with a popular Government in Ireland, what would be the result of it with an unpopular Government—with a Government, he would not say, actually in league, but only suspected to be in league with the minority of the inhabitants? Instead of tranquillity there would be confusion—instead of the orderly arrangements of justice, they would have a perfect chaos in Ireland. They would shut up the only safety-valve, and they would expose society in Ireland to a succession of explosions and convulsions which would ultimately shatter it to pieces. There was every reason, therefore, to press this Bill upon the House, and to sanction it by a decisive majority. He felt no doubt as to the propriety of passing it into law, if they did not wish to deceive and disappoint the high-wrought expectations of the people of Ireland. When every recent change had tended to increase and strengthen the influence of the democratic principle among us, he could see no assignable reason for the House withholding from a large portion of the empire those institutions which would teach them to use with discretion the power which the Constitution gave them. Still less could he see any danger from acceding to the prayers of the people of Ireland, when they called upon the House with one voice to give them equal rights and privileges with those which we ourselves possessed. He should, therefore, vote for the third reading of the Bill, as he saw no danger except in rejecting it.

Sir *Robert Inglis* said, that in consequence of the personal appeal made to him by the hon. Member for St. Alban's, he felt it necessary to explain why he had not voted against the second reading of the Bill, and why he had voted for the amendment of his noble Friend, the Member for South Lancashire. By the admission of the noble Lord opposite the Corporations at present existing would by this measure be entirely swept away. The House of Commons had already sanctioned a Bill for putting an end to the existing Corporations in Ireland. The amendment of the noble Lord, the Member for South Lancashire, assumed that those Corporations had been already swept away, and proposed to substitute a different system in their stead. The expression, he believed, of the noble Lord, the Secretary for Ireland, was, that the Bill swept away that system which had been the source of so much mischief. Presuming then that the old Corporations were to be put an end to, it became their duty to substitute in the stead of those Corporations some system in which they could place confidence. They did not wish to see erected on the ruins of those institutions a structure of democracy, which would be the source of great political evil. They wished that those institutions should be succeeded by a Monarchical institution, instead of by a democratic system. They, of course, would have been anxious to preserve the existing institutions, but that was not the question they were now called on to discuss. He had supported the amendment that had been proposed by the noble Lord, but he would much rather have opposed the Bill altogether. He for one would have been anxious to maintain institutions which had for their object the establishment and support of a Protestant ascendancy. He would have preferred to maintain those institutions in the spirit in which they were established by their founders, namely, for the support of Protestant interests and of Protestant ascendancy. But if he was forced to decide upon a different system, he would prefer the nomination by the responsible advisers of the Crown rather than a nomination directed and influenced by the hon. and learned Member for Dublin. He would prefer the legitimate influence of Monarchy to the illegitimate influence of democracy. He wished that the present system should be succeeded by a system in which they could place confidence. In the plan proposed by the present Bill he had no confidence. The ground on which he and those who acted with him had supported the motion of the hon. Member for South Lancashire was as a choice of evils. He would have much preferred the course of resisting the measure altogether. He would have been pleased that the motion for rejecting the measure altogether had been made upon the second reading. He would appeal to hon. Members who sat near him at the time, that when the question, that the Bill be read a second time was put, he distinctly cried "No." Perhaps, they might not be successful in their opposition to the measure then, but if they were fated to be in a minority he should have the satisfaction of going into the lobby with as large a minority as any that that House had yet seen. The speech of the hon. Member for St. Alban's, who had last addressed the House, consisted, to a great extent, of quotations from speeches and arguments that had been used on a former debate. It had, however, happened that the memory of the hon. Gentleman had not supplied him correctly with these extracts and arguments of which he had so fully availed himself. [*Mr. O'Connell yawned.*] He regretted that the hon. and learned Member for Dublin's yawns were not so audible as they were at present whilst his hon. Friend had been addressing the House. The manner which that hon. and learned Member had adopted during the Session in his interruptions of those in whose views he differed was as little orderly as any of those interruptions that were described in the speech of the rev. Gentleman in South Cheshire, from whom such large quotations had been made. He did not know exactly what animal the hon. Gentleman might imitate in his conduct, but he certainly was not very decorous in his mode of interrupting those hon. Members who did not concur with him in opinion. The hon. Member for St. Alban's had quoted largely from the speech of the rev. Mr. King of Cheshire, and had used it as a set-off against the speech of Father Kehoe; but he asked, was there no difference between a speech delivered after dinner, under the excitement of political feeling, in the presence of persons before whom the speaker stood merely in a civil and social relation, and a speech delivered under circumstances in which spiritual influence was powerfully superadded to personal and political influence? There was much difference between the circumstances of a clergyman standing up amongst his equals and speaking with warmth strong political sentiments, and a priest standing upon the altar, arrayed in his surplice and invested with every circumstance that could impart importance to what he uttered, addressing an assemblage of persons over whom he exercised under such circumstances unlimited control. The difference was striking and evident. But whilst they had been able to quote observations which they were anxious to hold up as being excessively intemperate from the speech of only Catholic clergymen, he would ask any one who had read the evidence taken before the Committee, whether the speech of Father Kehoe was not only one out of many similar? Father Walsh, at Borris chapel, told the congregation, that any one who voted for Bruen and Cavanagh, would be refused all religious rights, and would thus incur the risk of everlasting punishment. Let them compare that declaration, delivered under such solemn circumstances, with the speech delivered after dinner—without consideration, and under circumstances essentially different. In the county of Kerry, Father John O'Sullivan declared, that any one who would vote for the Knight of Kerry, he would let him die like a beast, neither would he baptise his children. [Mr. *O'Connell*: Mr. O'Sullivan has denied that.] That was perfectly fair interruption, for he was not aware of the contradiction. [Mr. *O'Connell:* He contradicted the statement in two letters he published in the *Morning Chronicle.*] He felt bound to admit the contradiction, and as it had been given was willing to suppose that the statement had not been made. But they had many other instances. In Kerry all the Catholic priests in the county except three used their most active exertions over their flocks to effect the defeat of the Knight of Kerry. Could any one attempt to deny that the Catholic priesthood possessed the most unbounded influence over the great mass of the Catholic population of Ireland? Would any one deny that they would use that influence in the Corporations, and effect the total exclusion of the Protestant inhabitants? The original institution of these Corporations was for the maintenance of the Protestant interest. The first object of both combined, was the maintenance of English interests in that country. This some persons might call an abuse, but he called it a great blessing. He indeed regretted most sincerely that any portion of those interests had ever been compromised. Would any one deny the fact that the influence of the Catholic clergy in Ireland was hostile to the connexion with England? [Mr. *O'Connell*—" No, no."] He had heard that denial, but he believed that it was made because the Catholic Clergy in supporting the repeal of the Union declared that they were not adverse to British connection. He felt that that question had for its object the severance of British connection. It was not then before the House, but if it should ever again be brought before Parliament he would be prepared to resist it as he had already done. After some further observations the hon. Baronet concluded by stating, that he feared this measure would be dangerous to the connection between the two countries, as he knew it would be subversive of the Protestant interest in Ireland. Without, at that time, wishing to raise the " No Popery" cry on a religious ground—for were he so disposed that was not the place to do so—he would never shrink from raising the " No Popery" cry in a political sense. He felt that the present measure would be destructive to the best interests of the empire, and he for one would to the last most strenuously resist it.

Mr. *William Roche* said, that connected as he was with the city of Limerick, which had been so often referred to in the debate on this question, than which none had figured more or had suffered more, heretofore, in the annals of municipal misgovernment, and he was sorry to add, of political perfidy also, he could not permit the Bill to leave this House without expressing his warm approval of it, considering it, as he did, a measure so much in accordance with the local rights and liberties of a free people—so congenial with our other institutions, and so characteristic of the representative principles and spirit of the constitution at large. He, therefore, hailed this measure as one imperatively called for and importantly useful—useful not only locally, but nationally—not only civilly and socially, but morally and religiously; nationally as well as locally, because, as nations are composed of localities, the more we diffuse contentment among those localities we necessarily increase the aggregate amount of that happiness—morally and religiously, he proceeded, as well as civilly and socially, because whatever brings men together to consult upon affairs of common concernment, it powerfully tends to wear down political antipathies, and to obliterate those still more unworthy and unhallowed sectarian prejudices and animosities which desecrate the very name of religion, and bring a blush upon the cheek of Christian charity. He was convinced this measure would prove as truly gratifying to the immense majority of the Irish people, as he knew it was anxiously expected by them, and he was equally convinced it would inspire the minds of the Irish people with the pleasing impression that an Imperial Parliament not only can, but *will*, legislate for Ireland in the same spirit of justice, equality, and freedom enjoyed by the other divisions of the empire; an impression, the contrary of which, both in point of assertion and practice, had so materially hindered the legislative Union from being a national and natural one, as well as a mere political or parchment one. He, therefore, deemed it a measure second to none in importance, scarcely even to tithes, considering Municipal Reform to move, as regards cities and towns, in parallel lines with tithes as regards rural districts. He deemed these measures of Municipal Reform for the three kingdoms so important, that if his Majesty's present Ministry had accomplished nothing beyond them for the protection and contentment of the people, they would well requite the exertions made by the people to place and replace them in power, and where the people would assuredly keep them if they continued to do as they have done and promise to do. He considered this measure alike valuable to all classes—to the rich as well as to the poor; for that every class was interested in being in a condition to procure good government for the place where he resided, where his family resided, and perhaps his property was situated; where, too, a considerable portion of his political franchises were called into exercise, and where experience showed that these franchises might be protected or obstructed according to the conduct of the municipal authorities, or, in other words, according to their responsibility or irresponsibility;

but, however valuable to the rest, it was the very palladium of the rights and protection of the poor man. Of our higher institutions the poor man knew little or nothing; but with municipal institutions he came into contact every day, and every hour of the day, which rendered municipal government, as regarded him, either the greatest blessing or the greatest curse, according as it was well or ill administered. If this and similar measures of improvement did not emanate from "representative" reform, it were better that measure never had passed; because it would only add the bitterness of disappointment to pre-existing evils: it would be like a tree pleasing and promising to view, but quite defective of fruit. At the commencement of his observations respecting corporate misgovernment in Limerick, he used the epithet "heretofore," because he was ready and glad to admit that things have changed much for the better—partly, no doubt, owing to the progressive improvement in human affairs, partly owing to the increased control of Parliament and to the publicity afforded by the newspaper press, but most materially, also, to the exertions of his right hon. predecessor and Friend below him, the Chancellor of the Exchequer, who, about twelve years ago, carried a Bill through Parliament for the improvement of municipal government in Limerick, but with the greatest opposition and difficulty then interposed by Gentlemen now at the other side, who would scarcely allow (if he might use the expression) a single hair of the head of these institutions to be touched, whereas now they were ready and eager to cut off that head altogether. Certainly, if those institutions were to remain in their present condition, they might be as well dead and gone, but he considered the vital spirit of good government still existed in them, and that the tree, when divested of the parasitic plants which robbed it of its nourishment and support, would assuredly flourish again. The whole force, however, of vituperation was concentrated for the allegation that this measure would only transfer ascendancy from Protestant to Catholic hands—an assertion the most fallacious—disproved by facts, and by a knowledge of the human mind; for that equality of rights always gave the death blow to ascendancy, while inequality and partiality were its very source and essence. For nearly thirty years the good results of justice and impartiality were experienced and illustrated in the principal parish of the city of Limerick, that of St. Michael, which had been thus long governed by a local Act, freed from sectarian distinctions; the consequence of which was, that any idea of sectarian feeling never entered into the minds or dreams of the Catholic voter, and more Protestants than Catholics had always composed this parochial "representation." So it would be as regarded the whole of Limerick, and every other city, when political justice and non-sectarian principles were adopted as the basis of their institutions. In the Parliamentary representation of Ireland the same fact was established, and had been equally indicated in Limerick, where they elected his hon. Colleague a Protestant, and himself, a Catholic; and where the Roman Catholic clergy were just as zealous for his Colleague as for himself, a fact also that refuted the charge brought against his hon. and learned Friend the Member for Dublin, who eagerly exerted himself for his (Mr. Roche's) colleague. The right hon. Gentleman who had just sat down (the Member for the University of Oxford) said that Corporations were instituted, or rather subsequently converted into, instruments for the support of Protestant ascendancy. However correct or not that proposition might be, things were now entirely altered, for Catholics were put upon a footing with Protestants, and such exclusion of them was a manifest violation of the Emancipation Act. Amongst the corporate body in Limerick, he knew many very estimable individuals; but, surely, it would be open to their fellow citizens to again elect those they may thus deem worthy—a compliment he (Mr. Roche) at least should consider more gratifying than any other species of appointment. He felt that he had occupied a considerable share of the House's attention, and knew that others at both sides were anxious to deliver their sentiments; but before he sat down he begged to say he had received a petition, signed by several hundreds of his fellow citizens, who concurred in the purpose and provisions of this Bill, with the exception of the qualification for mayors, which they deemed too high, and therefore calculated to exclude many very eligible persons from attaining that office; and the number of councillors they consider also rather too limited, but on the whole express their warm hope that the

Bill may pass. The hon. Member concluded by quoting a saying of Louis 14th of France to King James 2nd, when leaving the shores of that country with a view to regain the throne of these realms, when the French king said the best wish he could offer him (King James) was, that he might never see him again. He was certainly glad that wish was not realized, for that monarch was unworthy to reign over a free people; but with a different result he (Mr. Roche) applied the same wish in reference to this Bill—namely, that when it left these walls they might never see it again, until at least it received the royal assent.

Mr. *Ewart ;* Sir, I cannot but consider that the hon. Gentleman, the Member for the University of Oxford, has not answered satisfactorily the hon. Member for St. Alban's. The hon. Gentleman said, that the question proposed was not upon the principle of the Bill, but whether or not the Irish Corporations should be altogether abolished. Now, I ask, if the hon. Gentleman objected to the principle of the Bill, why did he not take the opportunity of opposing the second reading of the Bill? The proper course would have been not for the hon. Baronet to have contented himself merely with saying "No!" but to have divided the House upon the second reading, he would thus have vindicated himself from the charge of inconsistency, which, I must say, he has not refuted satisfactorily. Sir, the hon. Baronet, referring to the case of the reverend Joshua King, said that was only an isolated instance. I would recall to the recollection of my hon. Friend those scenes which have recently occurred in the most learned University; scenes, I think, not entirely characterized by that charitable spirit which the hon. Baronet seemed inclined to impute to all the clergy of the Church of England. Sir, a great deal has been said about the voluntary renunciation of power by the minority over the majority in Ireland. Why, Sir, has it been a voluntary renunciation? to come forward now that that power is receding from their grasp, and claim credit for relinquishing that which they were unable to retain, exhibits, I think, a degree of confidence almost unprecedented in political history. The right hon. and learned Gentleman, the Member for the University of Dublin, has gone back into old charters, and told us what Ireland was under the old system. Sir, the abuses of former times are no arguments for misgovernment in modern; and the argument that because Ireland was denied justice of old, that, therefore, she is to be denied it now, is one which, however conclusive it may be to the right hon. Gentleman, will, I am sure, be indignantly rejected by the people of this country. The right hon. Member had declaimed at great length against the ascendancy of a majority in Ireland. In what country, I would ask, that claims the semblance of possessing popular rights, does not the majority govern the minority? I never heard, even in declamations upon monarchical institutions, that they were not fundamentally based upon the wishes of the majority of a nation. I cannot conceive that in this free country we can have any other mode of governing satisfactorily. I am quite convinced there is no other mode of governing either England or Ireland with success. One circumstance connected with the government of the majority ought not to be forgotten, that the government of a majority is much less likely to be tyrannical than the government of a minority. The government of a minority must always be a government of weakness; and a government of weakness partakes of all the danger and distrust of tyranny; and must have recourse to tyrannical modes of supporting its power. But the government of a majority requires no such violent means of support, and, therefore, tranquillity and liberty are much more likely to prevail under the government of a majority than that of a minority. I regret that I do not see present the right hon. Baronet the Member for Tamworth, considering that he was, if I may so say, the original sponsor of this measure. He originated Catholic Emancipation, which has been the forerunner of all that has subsequently occurred; and I should have liked to ask him how, having himself carried that measure, he is determined to oppose the effect naturally consequent upon it? how, having granted Ireland religious and political liberty, he can refuse to give her municipal liberty? how, in short, having granted the beginning, he can refuse her the consummation of freedom? Sir, I cannot, I must say, imagine how hon. Gentlemen who are, they tell us, for holding fast to the genuine spirit of the British Constitution, are for doing that which is contrary to its very genius, to abolish the municipal institutions of

Ireland; for removing those institutions which dated from the very earliest dawn of that Constitution; for deserting it in the very moment of its extreme distress. The genius of the Government of this country is municipal as well as political. The opinion of Mr. Burke was quoted upon the Spanish question by an hon. Gentleman opposite. That opinion was to the effect, that "if you destroy in any country its local institutions, you have in centralization the most convenient instrument for arbitrary power." Now, all the opponents of Irish Corporation Reform are the friends of that centralization which Mr. Burke so strongly denounced. How can they possibly expect tranquillity in Ireland if they do her the injustice of refusing her Municipal Reform?—those institutions which should become not only "normal schools" for peaceful agitation, but schools in which her citizens should learn the exercise of their rights peaceably but firmly. If you give them religious freedom, if you grant them political liberty, and refuse them Municipal Reform, what is it but conceding to them the object for which they contend, and denying them the means of learning the proper and legitimate use of the instruments you have thus put into their hands. This measure will become, as it were, a safety-valve to the Constitution. By the discussion of home and local concerns, the vehemence of general political discussion will be lessened; and, by allowing the people of Ireland free representation in their municipalities, you will be giving them that political education which will enable them to exercise properly and peaceably those rights which you have already granted them. With what object do we legislate for Ireland? Is it not for its peace?—and how else is that object to be obtained but by the contentment of the people? The rejection of this measure will increase ten-fold the excitement there. First of all, it will give cause for disturbance; and, secondly, it will offer an apology for every outrage committed until the measure is conceded. Sir, I rejoice that upon this occasion the English Members have an opportunity of proving how deeply they feel the debt of gratitude due to the Irish Members of this House. Most warmly, fully, freely, and generously have the Irish Members supported us in all the great measures that have passed this House of late years. Ever since I have had the honour of a seat in this House, I have ever seen our Irish friends the most strenuous supporters of freedom, never hesitating when we wanted their assistance; and I, for one, should feel myself guilty of the blackest ingratitude if I was not most ready to aid them in the hour when they need my co-operation. I trust, and I believe, that the English people will contribute their support to their Irish fellow-citizens, as warmly as the English Members do to their representatives in this House; and that a day at length will dawn upon Ireland, which shall see her not only freed from political and religious fetters, but enjoying the full sunshine of municipal freedom; that a glorious day shall yet arrive which shall see England, Scotland, and Ireland all united in spirit, as well as by statute, and all alike free in their religious, political, and municipal institutions.

Mr. *Finch* would yield to no one in his desire to benefit Ireland; but, before legislating upon any question, he was bound to consider the condition of the country. It was a country divided by faction, and between it and England there was no analogy to fit them for the same institutions. In this opinion he was borne out by what the right hon. the Chancellor of the Exchequer had said upon the subject of the repeal of the Union. That right hon. Gentleman had stated it as his opinion, that if there were to be a domestic legislature in Ireland the war between the two great parties in that country would be a war of extermination. Now, how much greater would be the contention if it carried itself into every town and borough of that country? How would it increase the agitation? Agitation was at present confined to Roman Catholics, who were organised for the purpose. If this measure passed, it would also extend to the Protestants, who, of course, would also organise. A reference to a book written by the hon. Member for Waterford (Mr. Wyse) would show that there was a strong republican party in Ireland and a strong democratic feeling. Now the object of that party could only be effected by dissolving the connexion between the two countries, and getting rid of the Protestant Establishment and the Protestant aristocracy. Besides the authority of the Chancellor of the Exchequer, the proceeding of the hon. and learned Member for Dublin furnished another proof of the extent to which the democratic principle was endeavoured to be pushed. That hon. and learned Gentleman had, in various parts of England, endeavoured to bring into disrepute one portion of the Constitution. The Chancellor of the Exchequer had, on a former occasion, expressed himself opposed to the extension of the democratic principle in Ireland, because of the strong leaning towards Republicanism which existed in that country. What was the present proposed measure but an extension and increase of the democratic power? The effect of this measure would certainly be a tendency to weaken the power of the Monarchy. He was not opposed in the abstract either to the democratic, the republican, the monarchical, or the aristocratic principles. On the contrary, he wished to see them all blended in a mixed and limited Government. He wished to find each operating as a check upon the others, and the result of such a combination would, in his opinion, produce liberty. Perhaps some thirty years hence when Ireland was less subject to political tumults and agitation, it might be safe to commit the exercise of municipal rights to the hands of those to whom it was to be confided by the present Bill; but at this moment it would be attended with the greatest danger. What he wanted to give to Ireland was, equal rights and equal security for life and property, and such a code of municipal Government as should ensure, not the contests and triumphs of faction, but the due supremacy of the law, the just maintenance of the rights of the Crown, and the exercise of good government.

Mr. *Montesquieu Bellew* trusted the House would excuse him while he trespassed a few minutes on their attention on the present occasion as an Irish Member, to whom the measure of Corporate Reform was naturally a matter of great interest, and also as living immediately adjoining a corporate town. Indeed, he might say, that the town he alluded to was within the limits of the county which he had the honour to represent, and that town appeared, from the Report of the Commissioners, to possess an adequate share of all the evils which are usually complained of in such localities, and to have fully participated in that indistinct perception of the rights of property which appeared such a common failing in Irish Corporations. With regard to this Corporation, namely, Drogheda, he wished to to make one observation in particular in reply to the statement of the hon. Member who, for the present, represents that town. With respect to the charge of sectarian illiberality as regarded that Corporation, the hon. Gentleman said, it was best answered by the fact, that when corporation property was to be let or otherwise disposed of, it was offered to general competition, without regard to whom might become the purchaser, or to what sect or religion he might belong. Now, how stood the fact? The universal practice, up to the year 1833, was to let the lands solely and exclusively to freemen, which of course excluded Catholics. But what did the Report state further? It appeared that freemen frequently bade in trust for Catholics, and, in many instances, freemen, immediately on obtaining leases, sold them underhand to Catholics for a trifling profit. Finding it impossible to uphold exclusive bidding, or to check the system of evading the rules, the Corporation resolved upon finally sanctioning what they had no longer the power to prevent. But freemen were, to the present moment, entitled to renewal of their leases at one-fourth of their value; and this was what the hon. Member called no sectarian illiberality. That in this particular borough there were rather singular ideas held of the responsibility of office, might be gathered from the following statement in the Report for the year 1827. The Harbour Commissioners ordered that the collector be required to make a return of the number of vessels which entered the port, their tonnage, and other matters; on which occasion the collector was alleged to have answered that it was very ungentlemanlike to require accounts to be kept. But the House was, no doubt, already wearied of hearing of the misdoings of Irish Corporations. He should not, therefore, say one word more on the subject. There was no one on any side of the House who defended the Corporations as at present constituted, and the only question, therefore, was as to the manner in which they should be constituted for the future. Now, after having been present at the whole discussion, and listened most attentively to every statement that had been brought forward by hon. Gentlemen opposite, it did appear to him that the beginning and end of the whole argument, disguised as it might be under one name or other, amounted to this, that the middle class in Ireland will gain a considerable increase of power by this Bill, and that class unfortunately happens to be Catholic. The crime of the Catholics was literally that they were the majority of the people; and what little success had attended the efforts to lessen that majority is strikingly exemplified by the Report now on the Table, from which it appeared that in a borough where within the last century a resolution to fine a suspected Papist was passed, out of the present population of 2,000, more than one-half, namely 1,200, were Catholics. Why, he believed, this was the only legislative assembly in Europe where this question would at the present moment be debated on religious grounds. It is quite true that hon. Gentlemen had taken the greatest trouble to disclaim sectarian motives, and yet there had hardly been a speech on which something about Catholic and Protestant had not been introduced, not omitting the right hon. Baronet, the Member for Cumberland, who reminded the House how nobly their ancestors had contended against the Spaniard and the Austrian in defence of the Protestant faith, and who cautioned them to do anything rather than submit to the tyrannical spirit of Catholic domination. There was no doubt this Bill would add considerable local influence to the town population. The increased power it would give in returning Members to this House, was, however much overrated. He did not ask hon. Gentlemen opposite to agree with him; but he would ask them if they did not think it very natural that the Catholics, who had hitherto been an excluded body, should press very ardently for those rights which had already been conceded to the rest of the empire? or did they believe that it was in the power of this country for any time to prevent Ireland from attaining that to which, backed by a majority of this House, she thought she was entitled? The gallant Officer, the Member for Launceston, had laid much stress on the evidence of the Intimidation Committee. But making him a present of the whole of it, and passing over the notoriously partial extracts with which he favoured the House, what did it prove? That so strongly was the desire in Ireland to return Members favourable to Municipal and Church Reform, that there was no extremity to which the people were not willing to go to obtain their object. He did think that the opposition to the present Bill, and the grounds on which that opposition was founded, by the very party who granted Emancipation, was a sufficient apology to the Irish people for not feeling very grateful to those who had, by their own confession, yielded only to a stern necessity; but such, unfortunately, had always been the case with regard to Ireland. The Emancipation Bill, the Reform Bill, the Tithe Bill, the present measure, had all been considered, not with a view to what justice required, but what necessity demanded; not with a view to what might be granted with advantage, but how much might be refused with safety. With regard to the alterations which this Bill had undergone in Committee, he could not help expressing his regret that his Majesty's Ministers should have yielded on the question of the appointment of Magistrates; but in town-councils, as he feared, this concession would be taken advantage of in another place; still he must say, that if this Bill passed into a law, it would have the effect of doing away with a grievance which, next to the tithe system, pressed most heavily on the country, and would prove to the Irish people that the affectionate confidence with which they had relied on the intentions of his Majesty's Government had not been misplaced.

Major *Cumming Bruce* eulogised in the highest terms the speeches of the noble Lord the Member for North Lancashire, and the right hon. Baronet the Member for Cumberland, on a previous occasion. Notwithstanding the worn-out jokes of the hon. and learned Member for Dublin, and the quotations from the new drama of "Where is he now?" of the hon. and learned Member for Tipperary, they had proved most convincing to the public, and set the true merits of the question in the clearest point of view. Nothing but the most conscientious apprehension of danger to our religious and political institutions could have induced the noble Lord and the right hon. Baronet to take that course. It was the fashion on the other side of the House to taunt the Opposition with what was called the strange conjunction which had taken place between the noble Lord, the Member for North Lancashire, the right hon. Baronet the Member for Cumberland, and the right hon. Baronet the Member for Tamworth. Why had these two eminent persons opposed themselves to the measures of those with whom they were formerly associated, but because they were convinced that those measures were pernicious? Why had they renounced place, but because they could not conscientiously hold it on those terms? Hon. Gentlemen opposite had, indeed, clung to place, but they had not clung to power. There was a wide difference between place and power, which they did not seem to be aware of; but which they would hereafter discover. They might carry the measure through this House, but there was another tribunal to which it must be submitted.—He did not mean the House of Lords, though he did not doubt but that House would, as it always had done, perform its duty conscientiously, uprightly, and firmly; but he alluded to the great majority of the enlightened and reflecting people of the empire. The delusion of spurious and falsely so called liberality was fast passing away. The people were beginning to be thoroughly alive to the restless character of the Catholic party, which seemed as though it would be satisfied with nothing less than domination, and they were resolved that the supremacy of the Protestant character of our institutions, connected as it was with the most perfect toleration and the maintenance of the best interests of the empire, should be preserved. He deprecated those continual attempts to place unbounded political power in the hands of the Catholic priests, for that no man living would doubt would be the result of this Bill. He warned them that if the Protestant people of these kingdoms saw that no concession could stop unreasonable demands, and that every stride of the Catholics towards political power was but the precursor of another, it would ultimately awaken a demand for a repeal of that measure of Catholic Emancipation which had been so vainly held out to them as the only effectual means of pacifying Ireland. Hon. Members on the other side accused his friends of raising a "No Popery" cry, whereas it was they themselves who raised it, by the introduction of such measures as this. The Catholic party were not content with equality—they wanted supremacy; and they looked upon this measure but as an instalment of their full demand, which was nothing less, he believed, than the absolute domination of Catholicism, and the repeal of the Union. If there were no other grounds for his resistance to this Bill, than the declaration of the hon. Gentleman opposite, that this Bill was to be an instalment of the debt due to the Catholics of Ireland, by which, of course, was meant repeal of the Union, and the utter subversion of Protestantism in tha country, that would be his sufficient justification. If it were brought forward against him as an accusation that he wished to draw a distinction between the toleration of the Protestant religion and the intolerance of the Catholic, he would plead guilty to the charge. It was not by unjust attacks on a large and influential party, attributing motives to them which they rejected—it was not by holding up to obloquy men worthy of the best days of the Reformation, for no other offence than that they drew aside the veil of Jesuitism, and exposed the machinations and general character of Popery—men, as superior to their calumniators as daylight was to those tapers—that men could be reconciled to Popery; but it was by giving Popery the form of real goodwill to all, and the character of toleration, that the fears of Protestants could be removed. He would next refer to the oath taken by Catholics in that House. The interpretation of an oath was a matter between a man and his own conscience. The subject might not be palatable to some gentlemen on the other side, but he would maintain that the object and the intention of that oath, which was purely restrictive, was to exclude Catholics from voting on any question that might endanger the safety of Protestantism in Ireland. The object of the present Bill was to create a dominant Catholic party in Ireland, and its tendency would be to establish the supremacy of Popery there, and with this to destroy the supremacy of the King. If these attacks were continued they would force on Protestants a reconsideration of the whole Catholic question. He was not actuated by any hostility towards the Catholics as individuals. Many of them he knew to be men equal to Protestants in all Christian virtues; but he could not conceal the fact that in the minds of the great mass of the Catholics, Popery and supremacy were united—a doctrine that was inconsistent with the constitution of a free State, and with the maintenance of liberty. It was not on account of any private difference of religious opinion, but from the tendency of Popery affecting the liberties of the people, that the Reformers raised the superstructure of freedom of conscience and of action. The hon. Member for Dublin made frequent allusion to the exertions of the Scotch, and to their drawing the sword of the Lord and of Gideon against episcopacy, holding out this example for the destruction of Protestantism in Ireland. But the learned Gentleman ought to know, what every schoolboy knew, that the Scotch objected to episcopacy from its too near approximation to Popery. The higher classes were anxious for the preservation of their feudal privileges and liberties; the lower classes resisted episcopacy from a fear of the perpetuation of religious despotism.—At the meeting which the King was forced to convene, the influence of the Presbyterian Clergy was nothing compared with that of the laity. It was this fear of episcopalian domination that was the cause of the covenant. But did it follow that the Scotch, fearing before trial the evil effects of the episcopacy at home, looked on it now, after having seen its workings, as an evil in Ireland? He would tell the hon. Member that the intelligent Presbyterians of Scotland considered it as the only safeguard against the encroachments and the tyranny of the Church of Rome, and the only security for the existence of Protestantism in that country. The question before the House in truth was, the establishment of Popery under its old form of religious and political despotism in Ireland. Will the Government say so or not? Mr. O'Connell, the real leader of the House, did fairly allow that Catholic ascendancy was at the bottom of the question. The question was one of vital importance to the social, the religious, and political condition of the Sister Kingdom, and could not fail to infuse its effects into Great Britain, and to the good sense of the enlightened people of the empire at large he would not fear to leave its decision.

Mr. *Vernon Smith*:—Sir; The hon. Gentleman who has just sat down has only stated a part of the case—the part that suited his own purpose. I shall not follow the hon. Gentleman through all the points of his argument; and through some I should be sorry to follow him After the subject had been already fully debated as a whole, and in all its parts, the debate must prove very uninteresting; but certainly the facetiousness of the hon. Gentleman has much enlivened it. The hon. Gentleman was very liberal of his entreaties to the Government, but I would beg of him to forbear accompanying these entreaties with insults when next he favours us with his advice.—Sir; The burden of the hon. Gentleman's speech still more surprised me than those outward ornaments with which he embellished it. It was this: That whereas the Catholic Relief Bill had passed, and the Irish Reform Bill had passed, and still "Protestant ascendancy" remained, that this measure was to destroy it; that is, he allowed that it was not endangered by the passing of bills which gave the Catholics of Ireland the unrestricted right of being elected, and of electing members to serve in the British Parliament, but when called upon to enact a measure that shall allow them to elect their own aldermen, mayors, and other municipal officers, then he is afraid of Catholic supremacy in Ireland.—Sir; In the few remarks I shall have to submit to the House I shall confine myself entirely to the question before the House; which is, that this Bill be now read a third time, the object of the present opposition being mainly, it appears, to allow to such gentlemen as the hon. Members for Bristol and the University of Oxford, who had refused or disdained to accept of any compromise at all to give their votes against the Bill. I think I cannot do better than to address myself first to the speech of my hon. Friend the Member for the University of Oxford; and I must say, that holding as I do that hon. Gentleman in the highest respect, and, admiring as I always have done, his consistency, it is with the deepest regret I find in this instance a deviation from his usual character. He began his opposition too late. But if he objected to all reform, why did he not oppose the second reading? Why did he allow a similar Bill to pass the Commons last year? If he was of opinion that no alteration should be made in these corporations, why did he vote in favour of an instruction entirely annihilating and sweeping away those ancient institutions for which he manifests such attachment.—Sir; I am at a loss to understand how any Gentleman on the other side, who voted for the instructions, could now vote for the amendment on the third reading? The right hon. Baronet (the Member for Tamworth), the leader of the party, acted in a true sportsman style; finding he could not destroy the Bill on the motion for the instruction, he changes his position, turns round, and attempts to knock it down on the third reading. First we had a Conservative opposition, then a Destructive, and now again a Conservative opposition. But the real object is to gain a better division now than they had upon the motion for the instruction, and to send it forth to the country, or to the other House of Parliament, that it may influence their opinions and decision on the Bill. I would ask those Gentlemen who voted for the instruction, and are now going to vote against the Bill altogether, how they can defend their consistency? Every one of them, by voting for the instruction, have admitted practically the disease. There can be no doubt of it. They did not conduct themselves so upon the English Corporation Bill. There they threw themselves upon the Report of Mr. Hogg, or of Sir Francis Palgrave. There they quarrelled with the Report of the Commissioners; here, on the contrary, though they admit the disease to be so much more palpable in the case of the Irish than in that of the English corporations, that they voted for their utter annihilation, they are about to vote against the third reading of the Bill which is intended to alter and amend them. But they say that the remedy is so much worse than the disease, that they would rather continue the disease than risk the remedy. I know that is the argument of hon. Gentlemen on the other side. Yet the disease which you have admitted here, is the disease which you have amended and cured in England. You did not meet it in that case as you have in this. You applied the remedies proposed by his Majesty's Ministers, and they have worked a cure; at least I have not heard any hon. Gentleman stand forward and say that that Bill has proved very mischievous in its operations. But you say, "the remedy applied in the case of England cannot with safety be applied to Ireland." Why not? "Because," you say, "it will be a transfer of power from one party to another." That such will be in some degree its effects in Ireland I will admit; but then I say, the same argument, if valid, will apply with ten-fold force to England. In this country the distinctions in politics and religion are not as they are in Ireland. Parties in the corporate towns of England are nearly on an equality; but in Ireland, instead of being a transfer of power, as it has been in England, from one party to another, almost on the same footing, it will be a transfer from the few to the many—from the small party to the large—from the minority to the majority. I am not prepared to deny that: on the contrary I admit it, and will defend it. I say, that the transfer of power to the immense majority in a country, is a principle from which you cannot escape, unless, indeed, you can prove that the majority are in such a low condition that they are unfit for the possession of civil power. [Loud cheering from the Opposition, in which the voice of Col. Perceval was pre-eminently distinguished.] I am astonished to hear it admitted by the cheers of the hon. and gallant Member for Sligo, that the constituency which he represents are unfit for the possession of civil power. After admitting the great body of the Irish people to political representation, could any one say, that the majority of the Irish people are unfit for power? The Irish Catholics are not to be told that they are fit to send representatives to Parliament, but unfit to elect their own municipal officers. The notion is preposterous. This is a last attempt to retain Protestant ascendancy, and all its concomitant power, in Ireland; when hon. Gentlemen opposite could not retain the corporations in Ireland, they adopted the stratagem of sweeping them off altogether, just as an adjournment of the House is moved to get rid of a debate. Sir; The noble Lord opposite (Lord Stanley) said he viewed the question as a religious one. I admit that such a view may be taken of it; and though I wish to avoid all religious discussions in this House—I think it is not suited for their discussion—I must say it is too late to take such a position now, after the great measure that has already been conceded. The system of corporate government is admitted on all hands to be worse in Ireland than it was in England; and what were its defects here?—partiality, party spirit, gross abuse of the public property to the purposes of political corruption, and general perversion of the administration of justice; and how much more severely is all this felt in Ireland? But then the argument is, that this Bill will throw power into the hands of the hon. and learned Member for Dublin. But I meet that argument by asserting, that when men become possessed of legitimate power, they are not likely to resort to illegitimate power; and that when enabled to exercise political and municipal power for themselves, they will be less inclined to delegate that power to one. It is you who enhance his power! you, whose protracted resistance to the Reform Bill; you, whose tardy concession of Emancipation, gave rise to the agitation of questions in this country never heard of before, and which long years of peaceful tranquillity may not be able to still! It is you who have given power to the hon. Member for Dublin; and by your rejection of this Bill would, instead of diminishing, vastly augment it. Sir; I conclude by expressing my conviction, that the division on this occasion will not be more favourable to Gentlemen opposite than any preceding. I consider that those who voted for the instruction are bound, consistently, not to vote against the third reading; and I beg to remind them, that as there are now no kindly-sent snores to cover their defeat, it will be the more signal on the present occasion.

Sir *William Follett* would endeavour to follow the course marked out by the hon. Gentleman who had just sat down, by applying himself exclusively to the question then before the House, namely, whether the Bill should be read a third time; and although he was not able to vote for the instruction moved by the noble Lord (Lord Francis Egerton), he fully approved of it, and was willing to accept the challenge which the hon. Gentleman had thrown out, and to explain to the House why it was he approved of that instruction, and why he was now prepared to vote against the third reading of this Bill. He was the more anxious to do so, because the hon. Gentleman (Mr. Vernon Smith) had reiterated a charge which had been made again and again, that no hon. Member who took part in the discussion on the English Corporation Bill, and who approved of the principle on which it was founded, could withhold his acquiescence in the provisions of the measure now before the House, without being inconsistent in his conduct. Now he did not object to the principle of the English Bill, and he offered that principle no opposition, although he felt bound to object to many of the details. But he was prepared to object to the principle of the present measure. He was most desirous that the House, and the country too, should carefully consider the provisions of this Bill, should compare the Corporations in England and Ireland, and determine whether there were that similarity between the constitution and between the functions, with which it was proposed to invest municipal officers in the two countries, as well as in the social and political condition of the inhabitants, respectively of each, which would render it incumbent on those who voted for the English Bill to vote for a similar measure with regard to Ireland. Let them inquire into that question. They were told, that certain abuses prevailed in the municipal institutions which were found existing. He concurred in an observation made at the other side, that it was useless to extend their inquiry into the origin of these institutions, except so far as that their origin did appear to him to furnish hon. Gentlemen opposite with an argument for their removal, because, whether they looked at those which were established in ancient, or at those which were founded in modern times, it was clear that they all rested on a principle of exclusion. In England the origin of Municipal Corporations was so lost in the darkness of the times, that it was quite impossible to ascertain it with any precision, and certainly there was every ground for the speculation that they had been originally based on a wide popular principle, and that the large masses of property which they possessed had been intrusted to them for the benefit of the inhabitants of the towns at large. But was there any ground for such a speculation with respect to Ireland? He was not now speaking of the property possessed by these bodies, but of the control which was exercised by them; because whether they looked to the old Corporations which had been established as nurseries of civilization amidst the savage hordes of Irish, or whether they looked to the Charters granted by James, under which the greater part of these bodies had been incorporated, they would see that they were founded in the former period on the exclusion of all but Englishmen and their descendants, and in the latter, on the exclusion of every person who was not a Protestant. Every one at all conversant with Irish history must be aware that in the north of Ireland not only were the Corporation Charters granted for the avowed purpose of excluding from the municipal bodies all who were not of the Protestant religion; but in the plan adopted by King James for the settlement of the six northern counties after they had fallen into the hands of the Crown by the attainders consequent on O'Neal's rebellion, no one was allowed to receive any grant of lands who was not a Protestant; and the grants themselves were made on the express condition that the lands were not to be aliened to any one who would not take the oath of supremacy to the King—this settlement was completed by the creation of Municipal Corporations in the newly built towns in the north, and by the grants of charters founded on the same principles to different towns in other parts of Ireland. It was quite clear, therefore, that a strictly exclusive principle was the foundation-stone of the corporate bodies of Ireland, and that principle had always been kept in view in the management of them. But these Corporations, it would also appear, were used for another purpose. In them was vested the power of returning Members to Parliament, and they were most of them created for the purpose of vesting political power in a select body of Protestants, to the entire exclusion of the Roman Catholics. Such being shortly the history of those Irish Corporations—what was now proposed? The principle of exclusion being found to continue to the present day, and its continuance being deemed by his Majesty's Ministers contrary to the spirit of the times, and contrary to what they conceived to be required by the state of parties in Ireland, they introduced to Parliament the present measure. That measure went to destroy the exclusive Corporations in Ireland; not to reform or alter, but to destroy. It removed from power every existing member of the Corporations, and it repealed every royal charter now in force. Every-one of these was destroyed by the Bill; for although the first clause professed to repeal only so much of the royal charters as were contrary to the provisions of the Bill; yet the effect of the Bill was, to repeal them altogether—and he challenged the right hon. and learned Gentleman, the Attorney-General for Ireland, to put his finger upon any one single clause, or sentence of an existing charter which would have the slightest effect or validity after the passing of this Bill. That hon. and learned Gentleman could not, as a lawyer, deny this assertion. The Irish Corporations were entirely destroyed by the Bill—destroyed not merely in the details but in the principle upon which they were at present based. The House had been told, that the intention of the Government was merely to lop off defective branches with the pruning knife, without applying the axe to the institution itself. But it was trifling with the understanding of hon. Members to make this assertion. The pruning knife was not the instrument employed, nor the branches of the parent tree the object on which it was exercised. The axe was laid at the root of the institution itself. Corporations were by the Bill destroyed — entirely destroyed for every purpose for which they had hitherto existed in Ireland. It was tauntingly asked of those who sat near him, "How can you, who profess to be the friends of the freemen of corporate bodies, disapprove of this Bill, which so fully protects their rights?" Protect the rights of freemen! Why, could any men contend that the freemen in Ireland were to form part of the new Corporations? Certainly they were not—they were utterly and entirely destroyed by the Bill. It is true, there were clauses in the Bill borrowed from those introduced by the House of Lords into the English Corporation Bill, to preserve the rights of existing freemen; but they were preserved independent and distinct from the new corporate bodies proposed to be created; and whether the plan proposed by his noble Friend (Lord Francis Egerton) or that introduced by the Government should be adopted, these clauses would equally form a part of the Bill, and the rights of existing freemen to their property and franchises be equally protected; but as members of the corporate body, freemen were no longer to exist—the destruction of the present Corporations in Ireland was complete and effectual by the first part of the Bill—but complete as that destruction was, it was not the part of the Bil from which he dissented. He was far from wishing to appear as the advocate of the abuses which were to be found in the Irish Corporations. Indeed, so far from wishing to support those abuses, that if asked his opinion he would not hesitate to say, that he approved of that part of the Bill which went to effect their destruction. He knew that this avowal made by some of his friends near him had led to the taunting question, of how long it was since this new light had burst upon them, and that they were aware of the defects of the existing Corporations. He was too young in political life for this feint to be applied to himself personally; but, if he was required to say why it was he abandoned the corporate institutions in Ireland, his answer was, that he felt bound to legislate upon that subject in accordance with the spirit of the existing laws of the land. He, in common with many others, had felt disappointed on finding that the Acts of 1829, granting relief to the Roman Catholics of Ireland, and of 1832, by which the representative system of that country was reformed, had failed in bringing about tranquillity or peace; and that, so far from alleviating or softening in the slightest degree, they appeared to have increased the unfortunate spirit of discord and religious animosity which prevailed there, and which was not unreasonably regarded as the cause of the poverty and destitution of its people. But notwithstanding this disappointment, he was willing to carry into full effect the principles on which those measures were founded; and to say that no civil institution should exist in Ireland, to which every subject of the King, whether Protestant or Catholic, should not, both theoretically and practically, be entitled to admission. Such was the determination by which he professed himself to be guided; and it was because he believed that the latter part of the measure before the House would create in Ireland institutions equally, if not more exclusive than those in existence, that while approving of, and assenting to the one part of the Bill, he felt constrained to give to the other the most strenuous opposition in his power. He asked the House to bear with him for a few moments, while he proceeded to consider how far the enacting portion of the Bill was likely to remove the existing evils of the corporate system. Hon. Gentlemen opposite talked of securing—by better municipal government—peace and tranquillity for the country. How, let him inquire, were these results to flow from it? To obtain a correct view upon this point, it was necessary to consider what were the functions of those existing Corporations, and in what manner their administration was defective. In the first place he should observe that it was a mistake to suppose the measure would transfer municipal power heretofore exercised by the present corporate bodies to the new councils to be elected by the people. This was not the case, there was little or no municipal power, properly so called, in the hands of the present Corporations. The Irish Corporations, were altogether differently situated in regard to municipal management from the English. In most of the towns of England the Corporations had the power of selecting their Chief Magistrates, of nominating the Sheriffs, of appointing the Judges of the Local Courts, and of controlling generally the administration of justice within their district. Now, in the case of these Corporations, a transfer had taken place from one party to another by the operation of the Municipal Act of last Session, and what power an exclusive body once possessed, was handed over uncurtailed and undiminished to the great mass of the people. But what was the case as regarded Ireland? Hon. Gentlemen opposite talked loudly of the existing municipal government of the towns of Ireland, and of the powers exercised by the new Corporations in the administration of local affairs. But what were those powers?—where were they to be found? Why, by a reference to the Report of the Commissioners, it would appear that the corporate bodies had no control whatever in the municipal government of the several towns. In England, the old Corporations, not always by virtue of their original institutions, but for the most part by various Acts of Parliament, had vested in them the local government of the towns in which they existed. Was it so in Ireland? Certainly not. With the single exception of that of Drogheda, he was not aware of any Corporation in Ireland which possessed local authority similar to that exercised by English municipal bodies. Let any one look into the Report of the Commissioners, and it would be found stated in every instance, that in the Corporation towns of Ireland there was no municipal control vested in the corporate body, paving, lighting, and cleansing the towns being vested by distinct Acts of Parliament in Local Boards, selected generally from the citizens, without the smallest reference to the Corporations. In most places, the Report says, the duties of police are performed by the constabulary force of the county in which the corporate town is situated. The watching, lighting, paving, cleansing, and improving the town, and the supplying it with water, are frequently under the care of local Commissioners under special Acts of Parliament, or in some instances under the very beneficial provisions of the general Act for such purposes to 9 Geo. 4th, c. 52. In seaport towns, the preservation and improvement of the harbour are usually vested by some Act of Parliament in a separate body of incorporated Commissioners. This system of management, if it worked badly, ought, of course, to be amended by the substitution of another; but it would appear, that so far from working badly, it had been attended with the most beneficial results, and that without reference to either party or religious feelings, the Local Boards had managed, in the discharge of their duties, to gain the approval of all classes. But what was it the Bill proposed to do? First of all, with regard to the administration of justice, what was contemplated by its framers? Was it intended to vest the administration of local justice in the new corporate bodies? It would appear not. The power of electing Sheriffs—of interfering in the choice—or arranging the qualification of jurors, was to be denied to them. In no way, in short, were the new bodies to interfere with the administration of justice; and so determined did the Government appear upon this point, that it had been proposed to take from the chief Magistrates the authority to act as Justices. Much had been said of the necessity of having an identity of measures between England and Ireland; but where in the case of these Corporations was to be found a trace of such identity? As regarded the administration of justice, the two measures proceeded on totally different principles: to the English Corporations were given the power of choosing their Sheriffs; in Ireland it was totally different. Did he disapprove of its being so? Far from it; he was most anxious, in all cases, to vest in the Crown the choice of Magistrates; and it, perhaps, was in the recollection of several present, that during the Committee upon the English Bill he had divided the House upon the clause giving the selection to the town-councils. This he had done upon the conviction that to no popular bodies, either in England or Ireland, could with safety be given the administration of justice, or appointment of judicial officers; and he thought the experiment which the noble Lord opposite (Lord J. Russell) had thought it right to make, notwithstanding that clause was expunged by the other House of Parliament, in calling upon the town-councils to recommend the Magistrates to the Crown, had satisfied the noble Lord himself, and he was sure it had satisfied the country, that his opinion upon the subject was not altogether an erroneous one. There were, he was bound to admit, some honourable exceptions from what he was then going to say, but he felt satisfied that the great majority of the councils in England had, in the nominations they had made, been actuated entirely by political and party considerations. He could not, indeed, help thinking that experience had produced the same conviction on many hon. Members on both sides of the House.—To select individuals might appear unfair; but if his recollection served him, the hon. Member for the Tower Hamlets, who but a few evenings ago in Committee upon the Bill under consideration expressed himself opposed to vesting the nomination of Magistrates in any hands but the Crown, did not upon the division on the English Corporation Bill, to which he had alluded, vote with him. Well, then, as it appeared, the new Corporations in Ireland were not to be invested with the power of administering justice, the only function now remaining in the existing Corporations, he thought he had a right to ask for what purpose, and for what object, were they creating these new bodies in Ireland? For the purposes of municipal government they were not required, and they were not, it would appear, considered worthy to exercise the functions of the Corporations proposed to be destroyed. For what purpose, then, were they required? What object were they calculated to effect? Would they not be purely political bodies?—would they not be as exclusive bodies as those about to be destroyed? Upon this point he might appeal to the noble Lord the Secretary for Ireland, who stated in that House, but a few evenings ago, that he believed no one would be elected to the new Corporations but for their political principles, adding to this opinion a not easily forgotten triumphant anticipation, that, under this Bill, very few Tories would find their way into the Corporations of Ireland. He agreed on this head with the noble Lord. He agreed with him in thinking that the new Corporations would be only political bodies: he equally anticipated with the noble Lord that a very few Tories would find their way into them; but he thought the noble Lord might have gone a little further, and have, with equal truth, observed, that if there were few Tories likely to be found on their rolls, there would be still fewer Whigs. He called upon the House to look to the condition of Ireland, and the circumstances under which the measure was about being passed, and he then asked whether it was likely the new bodies would not consist exclusively of one party in Ireland, and that party most prone to agitation, and most opposed to the connexion between the two countries. Then, again, he would ask, why create bodies which must have such tendencies? Had not the policy of the present Government been to oppose all exclusive associations—had not this been carried so far, that a noble Lord at the head of the Government had brought in a Bill which went so far in putting down associations and meetings, as to exclude, except under particular circumstances, even meetings for the redress of grievances? Had they not often of late seen reason to reprehend the efforts of a party in Ireland to keep up agitation; and yet, in the very teeth of former declarations, were they now about legalizing a system which could not but ensure its spread and organization. Would they not, under this Bill, have a regular system of political schools acting in concert with each other; meeting under the sanction of law when they pleased; discussing what they pleased, and communicating with each other in the different provincial towns, and with the parent association in the capital? Why was this done? On that side of the House they were asked why they opposed this measure; he asked, in reply, why it should ever have been introduced? Why should these bodies be created? He had heard no reason for the measure, except that of a necessity for an identity of measures between England and Ireland. But did that necessity exist? Nay, was such an identification a politic, much less a necessary measure? Was there no difference between the political and social states of the two countries sufficient to justify a diversity of legislation? Was it too much to say, that an institution might be harmless as regarded England, which might not be so as regarded Ireland? What was the state of society in the latter country? He would very shortly, and with great reluctance, refer to this point; and he begged to be understood, while doing so, as intending nothing in the remotest degree offensive to any hon. Member who might hear him. In the first place he must observe, he thought it wholly impossible to legislate fittingly for Ireland, without looking to the religious state of its people. Was the social state of Ireland at all similar to that of England? Why it was impossible to look into a newspaper, without in every page meeting details of resistance to the law — an avowed resistance of so determined a character, that centuries had passed away since its like had, or could have occurred in England. A day scarcely passed over Ireland without the occurrence of some act of organised resistance to the law; and when he heard it so loudly required that there should be the same law for both countries, his answer was, the laws are the same; but until there was manifested in Ireland the same disposition to obey the law, we cannot have the same machinery for carrying them into effect. Let them but look to the pitch to which the organized resistance he referred to had proceeded, and then say that similar measures could be passed for both countries. Had they not seen it operate to such an extent that an hon. Member of that House, whose high talent and character one would have thought would have secured his return by any constituency in the kingdom, had been obliged—reluctantly obliged, at the peril of his seat in that House—to refuse obedience to the law. Was it possible to suppose that the peasants or farmers of Ireland, who had refused the payment of tithes, had not been induced to that course by the exercise of some influence other than the prompting of their individual judgments? Well, then, he asked, in this state of affairs, were they right in creating these new schools of agitation in every town in the country, and in placing in the hands of that very party who now disturbed it the means of extending their influence. They had heard much of the influence of the priests of the Roman Catholic religion, and the evil consequences which had resulted from the occasional exercise of that influence. Was that an influence which the legislature was justified in encouraging? Did any man doubt its existence or its injurious consequences upon the political and social state of the country? If such a man there was, he would refer him, as one instance of what he alluded to, to an extract from a letter which was to be found in the printed minutes of the evidence taken before the Carlow Committee. It was written by Mr. Fitzpatrick, the secretary of the Carlow Liberal Club, and was addressed to Mr. Vigors, by whom it was produced to the Committee. It was couched in the following terms:—"I had a long interview with the bishop this day; he agrees entirely with Wallace, and he has caused a circular to be addressed to the different parish priests to ascertain how we stand in the county; and in the course of a week I am to summon a meeting (private) of a few of the leading men of the county, with the clergy, to meet at my house, at which meeting Wallace will be present, in the mean time you should be on the look out for candidates. The bishop would prefer that you should be the person, on behalf of the county, that should apply to Raphael; rather than allow O'Connell (as the bishop says) to dispose of the county." Now what, he asked, must be the state of that society where a bishop of the denomination to which the great body of the lower orders belonged, was to be found directing a circular letter to be sent to the several parish priests of his diocese to inquire into the prospects of a candidate for a county. At the period of passing the Catholic Emancipation Bill it was given in evidence before a Committee of that House, that by the very enactment of that measure, not only would the wish to interfere, but the power to influence in political matters, would be taken away from the Roman Catholic priesthood. This had been but too convincingly proved by experience to be an erroneous surmise; but, coupled with other information, it had sufficed to convince him that the Catholic priests would not now have the political influence they exercised in Ireland, were it not that they held out some religious pretext for their interference. Now, he wanted to know what that pretext was? Had they any object in view? any object affecting their religion since the passing of the Emancipation Bill? There was none openly professed. It was true that on several occasions very significant allusions had been made to the state of religion in Scotland, and the changes which the broad swords of that country had achieved; but notwithstanding those, and other perhaps more intelligible allusions, he could not bring himself to go the length of supposing that the Catholic priesthood of Ireland had in view to establish the supremacy of their religion in that country. If they had any such object in contemplation, it certainly ought to be at once told them—and that in terms too emphatic to be misunderstood—that they never could or should realize such an expectation. He did not, he repeated, attribute such an object to the Roman Catholic priesthood, or those over whose religion they presided. But supposing it did so chance that they entertained it, he asked would it not be wiser and better at once to say to them that such an object could never be attained? Would they not better discharge their duty to those who sent them there, by at once saying to them, "You shall have equal laws, equal justice, equal power of obtaining your rights, but understand distinctly that the Protestant religion must be the religion of the State?" Would it not, he asked, be but right to proclaim, that such was the determination of the Legislature? And was not the probability that, upon its being so proclaimed, those, if any, who now conceived the idea that the subversion of the Protestant religion was practicable, would soon cease to agitate for an object which they knew was hopeless? Tell them, then, as was told to them when the question of repeal was before the House, that the Imperial Parliament of Great Britain would not suffer a repeal of the Union, or the disturbance of the Protestant Establishment in Ireland, and depend upon it they would soon cease to agitate for either. How immeasurably more politic in the Government would it be to adopt this course, than in one session to frame a church revenue appropriation clause, and in the next to pass a measure having for its avowed object a transfer of power to the Catholic party, who would regard it as a triumph over the Protestant party, who could not but look upon the measure as the grossest injustice to their rights, privileges, and interests. Well, then, in such a state of society—in such a state of parties—with such a spirit of resistance to the laws openly avowed and defended—was it, he asked, wise or expedient to press a measure of experimental legislation? The Right Hon. Gentleman (the Chancellor of the Exchequer) had admitted it to be a risk. If so, why, he asked, try it? For the attainment of some great national object a measure of doubtful success might be justifiable; but why they were to run a risk without having an object in view—why they were to run a risk for the sole purpose of calling into existence a great number of bodies in Ireland, wholly useless for any purpose but those of discord and agitation—he was wholly unable upon any principle of policy or reasoning to comprehend. It was said, that it would be easy to resume the power which the Bill would confer if it should be abused; but he would prefer, as the wiser and safer course, rather to withhold what it was dangerous to give, than to resume it when given and abused. He was sure it was a wise maxim for every statesman to act upon, that power once given to a popular body could not be resumed. For his part, therefore, he was for not giving this power. He was opposed to the creation of bodies which were useless for the administration of justice—useless for municipal purposes, or for any purpose of local government, and which might so easily be turned to purposes of mischief. It was, he repeated, because he was convinced of these circumstances—because he felt that the power thus created would be abused, that the passing of the Bill would be hailed as a triumph by one party, and felt as a humiliation by the other—it was for these reasons that, while he admitted that the present corporate system in Ireland was bad, and ought to be destroyed—while he acknowledged the justice of the former part of the Bill, he was so convinced of the evil effects which would result from the latter, he felt constrained to support the amendment of his right hon. and learned Friend.

Mr. *Sheil* said, that the speech of the learned Member would have been an exceedingly powerful one against Catholic Emancipation, or against the extension to Ireland of Parliamentary Reform, but that those measures having been carried, it was preposterous to rely upon a policy utterly at variance with the principles on which they were founded. The hon. Member had relied upon a concession made by the Government respecting the administration of justice. The appointment of the sheriffs had been transferred to the Crown. This, said the hon. Member for Exeter, established a distinction between England and Ireland, wherefore, since you have made this distinction, not abolish corporations altogether? He would answer, that the appointment of sheriffs was an incident to the existence of corporate bodies, and not one of its elements, that Ireland did not require an identity in every particular, but a general assimilation—that she did not ask that all the details should be the same, but that the principles should be analogous: change the architecture of the edifice, but let the foundation of popular control remain untouched. Although over courts of justice an influence would cease to be exercised by corporations, yet over corporations a safe and salutary influence would still be exercised by the people. The nomination of sheriffs was taken away, but much was left behind; the care of a diversity of local concerns, the guardianship of the public peace, the security and convenience of public ways, the imposition of taxes, their appointment and collection, and the management of corporate property. Was the latter of no consequence? Try it by this test, the Drapers' Company have estates in Londonderry; suppose that it were proposed to that Company to transfer their estates to the Crown, how would such a suggestion be received? How offensive then was the project to leave to English corporations their Irish estates, and to strip Irish corporations of their own possessions? I (said Mr. Sheil) acknowledge that I regard the transfer of the right to nominate sheriffs as not only a concession but a sacrifice; and I, for one, would not acquiesce in it, if I did not feel that something, nay, that much ought to be yielded, in order to adjust those questions without the settlement of which peace in Ireland is impossible, and prosperity hopeless; and if, after this step towards a compromise has been voluntarily taken by the Government, the Bill shall be elsewhere rejected, or there shall be substituted for it what Ireland shall repudiate, and if, by this expedient (for it is one) the abuses of Corporations, the vitiation of justice, the plunder of corporate revenues, and political profligacy! shall be perpetuated, the people of England will know where the blame of that scandalous continuance ought to attach, and will determine between the men who are anxious, as far as it is practicable, to extend the benefit of British institutions to Ireland, and those who have had so long and minute a cognizance of those abuses and never applied to them a remedy; and at last, when with impunity they can no longer be palliated, in order to escape correction they have recourse to mock demolition, and send up to the House of Lords a project to which the

Commons of England, Ireland, and Scotland, never can accede. I turn from the details of this question to the argument, the only one on which the opposition to this Bill has been rested. All that has been said against this Bill, all that has been insidiously insinuated, boldly stated, ingeniously inferred, and against "old friends and colleagues" contumeliously quoted, can into a very short, and unfortunately, familiar phrase, "No Popery," be condensed. It is said that if we are once armed with power, we shall become unjust, arbitrary and oppressive; that we shall follow the example given us; and that, by a Catholic combination, Protestants from Corporations will be excluded. It is not a little remarkable that two noble Lords, the Members for Lancashire, North and South, who have touched on this topic, should, by Roman Catholics at the last election, have been proposed to their constituents. But it will be suggested that Catholics in England and Ireland are very different. I thought that Popery was in every latitude the same. You have here, however, a very different priesthood you will observe, and in Ireland you fear a sacerdotal ascendancy, which in England you have no reason to apprehend. No man has enlarged more eloquently and pathetically upon this topic than the right hon. Member for Cumberland. That right hon. Baronet, relieved from those nautical occupations from which formerly the illustrations of his eloquence were derived, has recently taken to the consolations of religion; and there is reason to apprehend, from the tone of his late oration, that that ex-First Lord of the Admiralty has sought in "Fox's Martyrs" a patriotic legislation, and that he reads the signs of the times by the light of the Smithfield fires. I do not believe that the speeches of the Catholic priests, to which he has referred, are accurately reported; and if I did, I should consider them as affording grounds for increasing the estimates, and for establishing a higher class of rhetoric at Maynooth. But mark the inconsistency between the Conservative reasoning and assertion. We are told that there is no connexion between Parliamentary and Municipal Reform; yet all the arguments against Municipal elections from the conduct of the Catholic clergy on parliamentary elections is derived. Now, if the argument were good for anything, it would lead to the abolition of Parliamentary not of municipal institutions. For my part, I avow the interference of priests at elections, if it gratifies the noble Lord the member for Lancashire, and the member for Cumberland, and I will add, that in no instance did the Catholic clergy interfere with more effect than in 1831, in order to carry the Reform Bill, when those hon. Gentlemen were in office; and I do not, I own, recollect that on that occasion those distinguished individuals deprecated the sinister assistance to which the government, of which they formed a part were indebted. They were silent on the same principle on which the Conservatives upon corporation abuses so long held their tongue. But how does it come to pass that the Catholic priests enjoy a monopoly of their moral anger? have not the landlords some claim to their virtuous indignation? They denounce what they call the tyranny of the priesthood; but when they see whole families turned out in hundreds from their hovels; women without covering and children without food, to perish; for these droves of human wretchedness have they no compassion; and for these inexorable men who to these terrible expedients after elections have recourse, have they no indignation? But, after all, the conduct of the priests at Parliamentary elections, with municipal elections has nothing to do. What connexion is there between tithes and borough-rates—between the Corporation fund and the ensanguined treasure of the church? On a municipal election, I cannot conceive any one question by possibility to arise, on which the priesthood can take the least political, personal, or any other imaginable concern. But in Parliamentary elections what is at stake? The abolition of that detestable impost which has drenched Ireland in blood—which has produced atrocities from which every feeling of humanity, and every sentiment of religion are abhorrent, and which ought to make certain religious men whom I see before me, kneel down and pray to God every night, before they sleep, that for Rathcormac they may be forgiven. Interfere at elections! Yes:—they were the men who achieved Emancipation, and broke down the power of the Beresfords in Waterford, annihilated the Fosters in Louth, and triumphantly carried the Clare election. Led on by them, the intrepid peasantry rushed to the hustings with the fearlessness with which Irish soldiers precipitate themselves into the breach, drove Toryism from its holds, and of the emancipation of their country planted the immoveable standard. In the same noble cause they devotedly persevere. Never, until the tithe question shall be justly settled, will the clergy of Ireland intermit their efforts to achieve the redress of those grievances to which the disturbed state of Ireland may be referred. But you that talk of the Irish clergy, have you no cause to look at home? Do your priesthood never, in political questions, interpose. I ask the hon. Member for Exeter who has read a letter from a Catholic bishop of Carlow, whether of the Bishop of Exeter he has ever heard? He has referred to the Popish Doctor Nolan—has he no reason to recollect the Protestant Doctor Philpotts? That learned and able prelate I admire for his great talents, but surely they do not surpass his political zeal, which with his religious emotions is associated. All that I ask is, that allowance should be made for the Catholic Bishop on one hand, by those whose cause is so materially promoted by the Protestant Prelate upon the other. If the Intimidation Committee contains evidence as to the Catholic priesthood in Carlow, surely there is very remarkable evidence as to the body of Protestant clergy in Devonshire. But turn to Ireland. Do the clergy of the Established church never interpose? Has this House never heard of the Rev. Mr. Boyton? He is a man of great abilities, with the most distinguished qualifications for popular excitement. He may be regarded as the founder of the Brunswick clubs, and as having been mainly instrumental in producing the strong Protestant feeling in Ireland. That rev. gentleman was a chaplain of the Orange Society. It is proved in evidence before the Orange Committee, that he actually moved the creation of an Orange Lodge in one of his Majesty's regiments. Well, this was the individual whom my Lord Haddington selected to officiate as one of his chaplains at the Castle. Talk, indeed, of the Catholic clergy! In November, 1834, a meeting of the Orange Society was held in Dublin, at which the Lord Mayor of the city of Dublin presided, and at which the rev. Mr. M'Crea recited a poem, the burthen of which was—

> "Then put your trust in God, my boys,
> And keep your powder dry!"

Show me any of our prose equal to his poetry? I forbear from making any comments on it, and shall but observe, that although it has often been mentioned in this House, I never heard it made the subject of Conservative condemnation. Sir, I think that I can demonstrate that every objection on a religious ground, so far as the Church is involved, to Municipal Reform in Ireland, was just as applicable to Municipal Reform in England. It is said that corporations were established in Ireland to maintain the Protestant interest. For what purpose were the Test and Corporation Acts passed in this country? They were enacted in order to protect the episcopal interest in England against the influence and energy of the Dissenters. They were regarded as the great bulwarks of the Establishment; yet those bulwarks you surrendered in 1828 to the myriads of sectaries by which your Church was encompassed; to Baptists, Quakers, Socinians, Independents, Presbyterians, Methodists—you threw open the fortresses of the Establishment to all the hordes, who, with the voluntary principle, are battering your church to the earth; and when we, who are akin to you (for your religion is only Popery cut down)—when we, from whose ecclesiastical escutcheon, your own with a bar sinister, might be appropriately borrowed—when we, I say, demand the benefit of British institutions, you affront us with a proposition which to the Dissenters of this country, when the Test and Corporation Acts were at stake, and when Corporate Reform was in question, not one of you, not even in the House of Lords, ever dared to make. The Duke of Wellington had not the boldness, my Lord Lyndhurst had not the dexterity, my Lord Winchilsea was not sufficiently excited, nor my Lord Roden sufficiently inspired—it was reserved for us—it was reserved for colonial dependent Ireland, for us, on whom a faction trampled, but on whom, with God's blessing, and the aid of our determination, they shall tread no more—for us, it was reserved that we should be told, when to the interests of the thousand few the rights of the million many can no longer with common decency be sacrificed - that both from the few and from the many their national institutions should be taken away, and out of the ruins of the corporations Dublin Castle should be enlarged. Of the Act of Union is not this a manifest infringement? When it is proposed in this House to reduce the sinecures of the Established Church, men cry out and say that the Union is violated; if the whole of the Irish Corporations are swept away against the will of the majority of the Irish Members, will not the Union be trampled under foot? But, it may be said, so, indeed, it was observed by the learned member for Exeter, that before the Union, Corporations were Protestant. He forgets, that by the Act of 1793, Roman Catholics were made admissible to Corporations by law, but that from 1793 to 1829 not a single Catholic was received into the Dublin corporation. In 1829, the member for Tamworth declared, in his emancipation speech, that Roman Catholics should be admitted to all corporate offices, and should be invested with all municipal privileges; there are accordingly two sections in his Emancipation Act to that effect. From that day to this, not a single Roman Catholic has had the benefit of those clauses in the Act of Parliament. By passive resistance, a Protestant passive resistance, the law has been frustrated and baffled. The right hon. Baronet gave us a key that would not turn the lock; and when British justice is about to burst open the doors, he would level these institutions to the earth, and bury our rights, his own act of Emancipation (God forbid that I should add, his dignity and good faith) under the ruins. Sir, the right hon. Gentleman appears to me to adhere to his old Irish policy; and although he carried Emancipation, in obedience to his reason, he is acting on Emancipation, in compliance with those religious instincts which he ought to get under his control. In the course of the last Session, I ventured to address myself to him in the language of strenuous, but most unaffectedly respectful expostulation; I presumed to entreat of him to take a retrospect of his Irish policy, and to inquire from him whether of every failing, and every failure, he did not in his Irish policy find the cause. I told him, that Ireland had a grave ready for his administration, and that grave soon closed upon it. I should not venture to advert to what I then said, but what has since befallen has given to those observations a remarkable confirmation. The moment the Session of Parliament terminated, the subordinates of the right hon. Baronet commenced the "No-Popery" cry. The result of that pious enterprise has corresponded with its deserts. The Parliament assembles, and at the very outset the right hon. Baronet tries his fortune on Irish grounds again, by moving an amendment, and he is at once and signally defeated. A few days elapse and he sustains a still more conspicuous discomfiture. Not in order to give way to a feeling of inglorious exultation do I refer to the dissolution of the Orange Society, but for the purpose of showing the "sweet uses" of which adversity is susceptible, and leaving out the offensive epithets in the citation to point to the "bright precious jewel" it contains. It was a vast and most powerful incorporation, including a hundred thousand armed men, with individuals of the highest station among its leaders, and a Prince of the blood at its head. Where is it now? Can you not derive admonition from its fall? You have seen administration after administration dissolved by the power of the Irish people: by the power of the Irish people you have seen your own Cabinet dashed in an instant to pieces, and now, struck to the heart, you behold your own gigantic auxiliary laid low. Taught so long, but uninstructed still, wherefore, in the same fatal policy, with an infatuated pertinacity, do you disasterously persevere? You think, perhaps, that Emancipation has failed. Six years in a nation's life are less than as many minutes of individual duration. You have not given it (what you asked for yourself) a fair trial, and have yourself, to a certain extent, counteracted its operation. At the very outset you entered into a struggle with the son of the earth, "who has rebounded with fresh vigour from every fall;" and, notwithstanding all your experience—although injustice carries with it the principle of self-frustration—although the poisoned chalice is sure, in its inevitable circulation, to return to the lips of those by whom it is compounded—still, adhering to your fatal policy, and haunted by your anti-O'Connellism—still, instead of rising to the height of the great arguments, and ascending to a point of moral and political elevation from which you could see wide and far—you behold nothing but the objects which by their closeness become magnified, and have nothing but the fear of O'Connell before your eyes. You do not legislate for a people, but against a man. Even if I were to admit that he had been occasionally hurried into excesses, for which your impolicy should in reality be responsible, give me still leave to ask whether millions of his fellow-countrymen, and your fellow-citizens (for such, thank God, we are), and generations yet unborn must pay the penalty? Granting him a life as long as Ireland can pray, and his adversaries can deprecate, will he not be survived by the Statute Book. Have you made him immortal as well as omnipotent? Is your legislation to be built on considerations as transitory as the breath with which he speaks; and are structures that should last for ages to have no other basis than the miserable antipathies by which we are distracted? Let us remember, in the discharge of the great judiciary functions that are imposed upon us, that we are not only the trustees of great contemporary interests, but of the welfare of those by whom we are to be succeeded; that our measures are in some sort testamentary, and that we bequeath to posterity a blessing or a bane; and, impressed with that, and I do not exaggerate when I call it that holy consciousness, let us have a care lest to a sentiment of miserable partisanship we should give way. To distinctions between Catholic and Protestant let there be an end. Let there be an end to national animosities as well as to sectarian detestations. Perish the bad theology that inverts the scriptures, makes God according to man's image, and with infernal passions fills the heart of man: perish the bad nationality, that substitutes for the genuine love of country a feeling of despotic domination upon your part, and of provincial turbulence upon ours: and while on spurious religion and spurious notoriety I pronounce my denunciation, live, let me be permitted to add, the spirit of genuine, philanthropic, forbearing and forgiving Christianity amongst us: and, combined with it, live the exalted patriotism, which to the welfare of a great people, and the glory of this majestic empire, of all its wishes makes the dedication—which, superior to the wretched passions that ought to be as short-lived as the passing incidents of which they were born, acts in conformity with the imperial policy of William Pitt, and the results of the vast invention of James Watt—sees the legislation of the one ratified by the science of the other, in the discovery of the mighty mechanist, who made the Irish Channel like the Tweed—of the project of the son of Chatham beholds the consummation.

Mr. *Stuart Wortley:* Sir, I am induced to rise, though with the greatest diffidence as may be imagined, after the brilliant speech of the hon. and learned Gentleman who has just sat down, to rescue myself, and those who think with me on the present subject, from the attack made upon them by the hon. and learned Member, when he said that all their arguments resolved themselves into the cry of "No Popery." That I do most distinctly deny. I can assure that hon. and learned Gentleman that I am not prompted in my support of this Amendment by any Sectarian feeling for Protestant ascendancy. On the contrary, it is because I wish to see Sectarian feelings allayed in Ireland, it is because I believe that the plan which has been proposed on this side of the House will do more to alleviate those feelings than any that has hitherto been proposed, that I give my opposition to the third reading of this Bill; and I am the more anxious to state shortly the grounds of my opinion, because I was one of those who, from the first agitation of Municipal Reform in England, admitted its necessity, and was resolved to give my best support to the measure from whatever quarter it should come. I am prepared to go with the principle of the Bill to this extent, to abolish all existing Corporations; but the condition and circumstances of England are quite different from the condition and circumstances of Ireland; and the same principles of legislation on the subject are not applicable to both countries. I much fear that the adoption of a measure of this description will serve to strengthen the Sectarian spirit which already too much prevails in Ireland. Even in this country what have been already the effects produced by the Corporation Bill? An exclusive spirit already prevails in the Corporations of England; and if the object of the promoters of the Bill had been to introduce into the administration of justice the partizans of a particular Administration, they have succeeded most entirely; and in Scotland, about which so much has been said, what has been the effect there? There was one circumstance that throws some light upon that question; and that is, that since the passing of the Scotch Burghs Reform Bill, in consequence of corporate agitation, there has again risen that spirit of religious dissension that has slept for ages; and there is excited in that country now a spirit of hostility against the Church of Scotland, the poor, the meek, the lowly Church as she is styled, sometimes almost equal to that which formerly existed against the English Episcopalian Establishment. What will it be in Ireland? I refer for an answer to the speech of the hon. and learned Member for Tipperary. Did the House perceive nothing in that speech to excite some dread that there might be too much of party exaltation? Was there nothing in the extreme energy with which he spoke of the extinction of Protestant domination, which looked something like an anticipated reversion of dominion? And I ask those who call themselves the friends of Ireland, will you pass a measure that will create such a spirit in that country? I would say a word or two with respect to the elections in Ireland. The hon. and learned Gentleman, in the course of his powerful address, has alluded to the evidence taken before the Intimidation Committee. Sir, I was a Member of that Committee, and am well acquainted with all the details which were elicited in the course of its inquiry. I will not weary the House by quoting extracts from the Report made by that Committee; but this I may state, as the impression indelibly fixed upon my mind, from the evidence I have heard, that, whether from the influence of the landlord or the priest, I feel satisfied that so low a class of voters as that enfranchised for the purposes of municipal elections by the present Bill, will never be suffered to exercise the right of election with perfect and unrestricted freedom. And, Sir, while speaking upon the Intimidation Committee, I cannot forbear to notice one of those topics in the hon. and learned Gentleman's address which he appeared to touch upon for the sake of making a happy allusion, or producing a cheer from Gentlemen opposite. The hon. and learned Member for Tipperary (Mr. Sheil) replying to one of the points made by the hon. and learned Member for Exeter (Sir W. Follett), attempted to vindicate the conduct of a Roman Catholic Bishop, by alluding to that of Dr. Philpotts; but there is no parallel between the cases of the two Bishops. The hon. and learned Member for Exeter read the letter of the Roman Catholic Bishop, bearing that Bishop's own signature. The hon. and learned Member for Tipperary alluded to the Bishop of Exeter, and endeavoured to connect the name of that right reverend Prelate with a Parliamentary Report (that of the Intimidation Committee), in which it so happened that the name of Dr. Philpotts, or of the Bishop of Exeter, is never once mentioned.

Mr. *Sheil:* I did not say that Dr. Philpott's name appeared in the evidence before the Intimidation Committee.

Mr. *Wortley:* I am glad that I have given the hon. and learned Gentleman the opportunity of making that statement. I will make no farther comment on that point. One of the chief arguments used by the supporters of the Bill is, that it is necessary to extend to the people of Ireland an equality of rights. Sir, is this Bill calculated to extend an equality of rights? No. Yes; I say, no. What is it you find fault with in the Protestant Corporations? Is it not their exclusiveness?—a system of exclusion turned to corruption and abuse. And that is what you are going to transfer. I say you are only transferring exclusive power; the exclusive system has been already displayed in England; how much more dangerously displayed then will it be in Ireland? You have already taught the population of Ireland by your "Commission of Public Instruction," that numbers are their strength. Nay, more; that these numbers are a legitimate justification for their appropriating the property which has been devoted to religious purposes; you are about to transfer exclusive power; in the language of the hon. Member for Northampton, from the weak to the strong, from the few to the many; you are stripping the dwarf, to augment the giant, that giant whom you will one day learn to fear. For I ask the right hon. Chancellor of the Exchequer, if when he triumphantly refuted the arguments of the hon. and learned Member for Dublin on the Repeal Question, would he have had no more difficulty in refusing it, if there had been laid upon the Table of the House petitions from two-thirds of the Corporate Municipalities of Ireland, bearing the Corporate Seals, praying for a Repeal of the Union? Sir, I protest against the principle laid down by the hon. Member for Liverpool, that the majority must govern this country. No, Sir, thank God, we are not yet come to that. [*Oh, oh!*] Do hon. Gentlemen know at whose expressions they exclaim? It was that of the celebrated Tocqueville, who well knew the character of that tyranny. The tyranny of the majority is the dread of a republic;

and it is only that mixed form of government, which checks and controls that "tyranny of a majority," which can allay the political dissensions of Ireland.

Mr. *Gisborne* was reluctant to occupy the time of the House at that late hour of the night, and more especially after the powerful and impressive speech which had been made by the hon. and learned Member for Tipperary. In the first place, he must be allowed to congratulate the hon. Member for the University of Oxford (Sir R. Inglis) for appearing there, that night in his old and consistent character of a defender of ancient institutions. On a former night he certainly had been led to think, that the University of Oxford had fallen on evil times, when he saw its Representatives in that House giving, not an active, to be sure, but a passive acquiescence to the destruction of the corporate bodies in Ireland, whilst at the very same time a sort of popular election was raging within its own walls. Alluding to the policy pursued by the hon. Gentlemen now on the Opposition Benches, he expressed his firm conviction that, notwithstanding all the declarations of the Gentlemen opposite, in favour of Reform, the real principle upon which they had always acted, and upon which they were always prepared to act, was this, that any abuse or corruption had better be preserved, than by its removal to give an increased popular power. On the present occasion, the choice they had to make was between the correction of corporate abuses in Ireland, and the extension of popular power in that country. He believed, that the choice which would be made by the hon. Gentlemen opposite would be perfectly consistent with the whole of their previous career in the way of Reform. When the right hon. Baronet, the Member for Tamworth, invited him to become his follower in the path of Reform, the first feeling that possessed his mind was one of a little distrust in his proposed leader. Circumstances excited a feeling of suspicion. There was nothing in the previous conduct of the right hon. Baronet, with respect to Reform, which in any degree tended to allay that feeling. He did not mean to represent the right hon. Baronet as a general anti-Reformer. He believed, that in many instances the right hon. Baronet was as ready as any one to reform abuses; but at the same time it must be remembered, that the right hon. Baronet had always been remarkably cautious, or even more than cautious, in adopting measures of Reform, which had any tendency to popular principles. In the instance of the Roman Catholic Relief Bill, it could not be doubted, that the right hon. Baronet acted the part of an emancipator, not upon the dictates of his own unbiassed judgment of what was right, but under the pressure of apprehension. The hon. Gentleman alluded at some length to the arguments advanced by the Opposition on the second reading of the Bill, and contended, that every one of the reasons then put forward in support of the proposition for abolishing corporations in Ireland altogether might with equal force and equal propriety be urged in support of a proposition for abolishing altogether the Established Church in that country.

Sir *Robert Peel* begged in the outset to claim the indulgence of the House, not only on account of the lateness of the hour, but in consequence of other disadvantages, which he felt so severely as to render it doubtful to him whether he should be able to make himself audible or intelligible. He had already, on a former occasion, endeavoured to state fully and completely what his views were upon the subject of corporate reform in Ireland; but after the speech of the hon. and learned Member for Tipperary (Mr. Sheil), who he hoped was in his place—[*the hon. Member was absent*]—in which such direct personal allusions were made to himself, he should be unwilling to allow that speech to pass by without reply. With the confidence also which he (Sir R. Peel) felt in the justice of the course he had pursued, and in the validity of the opinions he had formed, seeing that the speech of the hon. and learned Member had made a considerable impression on the House, he confessed he should be unwilling to permit the debate to close without manfully coming forward to examine the conclusions which were adopted in that speech, and to deal with the reasoning by which its arguments were supported. He said with the reasoning, because after all it was only the reasonings of the hon. Gentleman which ought to make any impression on the House. He wished that the speech had been less prepared and less elaborate, because he was afraid that the hon. and learned Gentleman was in such haste to arrive at those positions of his speech which he knew would amuse and delight his audience, that he forgot in the course of his impetuosity to grapple with the speech which preceded it, and which was as conspicuous for the clearness of its statements, and the closeness of its arguments, as the hon. and learned Gentleman's speech was remarkable for abstaining from any notice of those clear and admirable arguments, and for the ingenuity and fluency of its diction. He hoped that the hon. and learned Gentleman was in his place. If he were absent, he was sure the House would admit that it would be alien to his feelings to say anything in the hon. and learned Gentleman's absence, which he would not say in his presence. Whether present or absent, he would always admit the singular power which the hon. and learned Gentleman exhibited, and that he thought Ireland had reason to be proud of sending a man to that House endowed with such rare and extraordinary talent. But in making that admission, he must take leave at the same time to strip the tinsel from the hon. and learned Gentleman's arguments, and endeavour to ascertain what solid and substantial metal they contained. He thought that the hon. and learned Gentleman's argument amounted to this:—first, that he had a doubt whether the dissolution of Corporations in Ireland was not at variance with the Act of Union; and, second, whether the dissolution of these Corporations was not at variance with the spirit of the measure of Parliamentary Reform. The hon. and learned Gentleman also expressed a doubt whether the dissolution of Corporations in Ireland, and the refusal of the majority or minority in that country to participate in corporate privileges, was not really inconsistent with the spirit of the Act of 1829, by which the disabilities of Roman Catholics were removed. Many portions of the hon. and learned Gentleman's speech—those portions which were most loudly cheered, and which most delighted his audience, had nothing, as the hon. and learned Gentleman knew as well as he knew, to rest upon. It might be very easy for the hon. and learned Gentleman, in the course of a premeditated speech, to allude to the course of conduct pursued by a particular party, and to the qualities possessed by particular peers. It might be easy for the hon. and learned Gentleman to allude to the boldness of the Duke of Wellington, the dexterity of Lord Lyndhurst, the excitement of Lord Winchilsea, or the inspiration of Lord Roden. All this it was easy for the hon. and learned Gentleman to accomplish; and although it had no reference whatever to the matter in debate, it was necessary that it should be noticed in reply, lest, as the character of the cheer by which it was received seemed to indicate, it should be taken as comprehending an overpowering argument against the party on this side of the House. Then the hon. and learned Gentleman, pursuing the same career of eloquence, alluded to Dr. Philpotts, in connexion with the Intimidation Committee. The hon. and learned Gentleman knew that he should lose half his cheer if he did not introduce the Intimidation Committee. The hon. and learned Gentleman recollected that his hon. and learned Friend (Sir W. Follett) was Member for Exeter; he recollected too, that Dr. Philpotts was bishop of Exeter; and in order to meet the letter which the hon. and learned Member for Exeter had just read, implying that the Roman Catholic Bishop had summoned a meeting of his clergy for the purpose of considering the most effectual mode of securing the return of a popular Member, the hon. and learned Gentleman exclaimed, "Yes, but I refer you to the Intimidation Committee, and to the part which the Bishop of Exeter took." The cheers with which that exclamation was received were redoubled by those who were not aware of the fact, that from the first word of the Report to the last word of the evidence taken before the Intimidation Committee, the name of the Bishop of Exeter did not once appear. He repeated that these parts of the hon. and learned Gentleman's speech, though very striking and very amusing, had no reference whatever to the matter under discussion; and for that reason he (Sir R. Peel) should take no further notice of them. He would come, then, to the hon. and learned Gentleman's argument. The hon. and learned Gentleman said, "You who contended that the violation of the property of the Church was an infraction of the Act of Union, will you not admit that a violation of the property of Corporations must be an infraction of the Act of Union also?" That question was put as if by a man who felt certain that his interrogatory was founded in reason and justice; but as there was a direct guarantee in the Act of Union in favour of the Irish Church, and none whatever in favour of Irish Corporations, he did not exactly feel the force of the hon. and learned Gentleman's inference, that because it was contrary to the Act of Union to violate the rights, privileges, and property of the Irish Church, which rights, &c. were distinctly guaranteed by a clause in that Act, therefore it must also be a violation of the Act of Union to dissolve other institutions which were not so guaranteed. With respect to the other Act to which the hon. and learned Gentleman referred, and in which he felt a more direct interest—namely, the Act to reform the representation of the people in Ireland—he must say that, although he opposed that Act; although he thought the power it gave was dangerous, yet he must also contend that there was no analogy between a reform of the representation of the people and municipal reform. In the first place, the hon. and learned Gentleman assumed that the Opposition were opposed to all municipal Reform in Ireland, and he exclaimed, "You who are opposed to corporate abuses in England and Scotland, how can you sanction their continuance in Ireland—having corrected them in one part of the kingdom, how can you refuse to correct them in another?" He denied that the Opposition refused to reform abuses in Ireland. They professed their readiness to correct abuses, but they did say that they would not consent to the re-establishment of Corporations in Ireland, and to the perpetuation of similar abuses under another name. They were ready and willing to remedy every just cause of complaint connected with the ancient corporation system in Ireland. Therefore, again, he said that the hon. and learned Gentleman had no right to taunt those who brought forward the Bill for a reform in the representation of the people of Ireland with inconsistency, because, according to a false assumption of his own, they refused to redress abuses in the Irish corporate system. It was absolutely necessary, he apprehended, to the existence of the constitution and of the Government of this country, that an Imperial Parliament should exist. If, then, a more direct control were given to the people of this country over the election of the Members who composed the House of Commons, could a similar power of control be refused to the people of Ireland? In justice it could not. And as regarded the present measure, if they proposed to retain the Corporations in Ireland, and to exclude the Roman Catholics from an equality of privileges, then he admitted that they would be open to the objections of the hon. and learned Gentleman. In the case of the reform of Parliament, it was absolutely essential to retain the Parliament, and as an extension of privilege had been given to the people of England, it became necessary that a similar extension of privilege as regarded the right of election, should be given to the people of Ireland. But on the present occasion the question was, is it for the good of Ireland—is it for the welfare of the people of Ireland—is it absolutely essential to the pure and impartial administration of justice in Ireland, that Corporations in that country should continue to exist? That was the point upon which the two sides of the House were at issue. The hon. and learned Gentleman had referred to the part which he took in proposing the Act of 1829 to Parliament. The hon. and learned Gentleman was well aware that the expectations which were formed with respect to that Act had been disappointed. The hon. and learned Gentleman knew that the most confident anticipations were entertained, that the effect of that Act would be the diminution of religious animosities, and the restoration of political concord. It was in vain to deny that it had not had this effect. It was in vain to deny that there existed at this moment as much acerbity of party spirit as existed during the political disabilities on the part of the Roman Catholics. But, as he had said before on a former night, that fact did not alter his view of this question. He believed then, and still believed, that in the then state of public opinion in Protestant England—with the Protestant mind in Ireland inclined for its concession—with a Parliament so closely divided in numbers, that it was impossible to say what might have been the result of a division—with the Protestant mind so nearly equally balanced—he thought then, as he thought now, that there would have been greater danger to the Protestant interests in continuing a resistance to Catholic concession than in determining to settle that question; and certain events which occurred shortly after that measure was passed, made him rejoice at the removal of all political distinctions between Catholics and Protestants. But the hon. and learned Gentleman's argument was this—" Notwithstanding the failure of all your expectations—and I admit that political and religious animosities still exist, yet they continue to exist because you have not gone far enough—you must make still further concessions, and then the expectations you originally entertained will be fulfilled." Had the hon. and learned Gentleman any foundation for that argument? The hon. and learned Gentleman had found it necessary to account for the failure of the Emancipation Act. He said that it was conceived in an ungenerous spirit, and that, at the moment the Act was passed, we continued the exclusion of an individual, the hon. and learned Member for the city of Dublin, who had been elected for the county of Clare. In considering the whole of one connected and comprehensive scheme, it was very easy to select a small incident in it, and say, " the refusal of this one thing has vitiated all the rest—this ought to have been a prominent part of the measure." But, in the first place, he disclaimed altogether any personal motive or feeling on the occasion. For those who conceded the measure of Roman Catholic relief to have thought that it was any compensation to them to have visited a single individual with an exclusion that could continue only for a few minutes, was a most ridiculous supposition. What they had to consider was, the best method of effecting their object; and upon the whole his belief was, that they took the course most likely to effect the object they had in view; namely, to pass that Act, which was a work of no small difficulty, through both Houses of Parliament. But what was the exclusion of the hon. and learned Gentleman? He was elected for the county of Clare under a state of the law which, whatever might be its policy, actually excluded him. He was elected at a time when he knew that an oath would be administered to him which he could not conscientiously take. The object of the Relief Bill was to provide that Roman Catholics should in future be qualified to sit in Parliament without the necessity of taking that oath. The hon. and learned Gentleman (Mr. Sheil) said, that we ought to have provided that those who had been previously elected ought to have been entitled to sit in Parliament, notwithstanding the enactment of the law, which practically prohibited their sitting there. When they now heard of the intimidation under which he and his colleagues at that time acted, what, if he had proposed that the hon. and learned Gentleman (Mr. O'Connell) should, notwithstanding the law, have been entitled to a seat in Parliament, would have been said, then, upon the subject of intimidation. The hon. and learned Gentleman had said that all feelings of gratitude for the Act of 1829 were lost. He would not speak of gratitude, no gratitude was claimed, for it was the performance of a public duty, for which no gratitude was due. But the hon. and learned Gentleman had said, that all the substantial benefits of that Act were forgotten by the Roman Catholics, because one individual was deprived of his seat during the then existing Parliament; and the hon. and learned Gentleman, by his argument, implied that the hon. and learned Member for the city of Dublin had been induced to take the course he had since done in consequence of that step. Far be it from him to pass so bitter a satire upon any one, as to say, that from personal disappointment and exclusion, he should take a political course which he should not have done under other circumstances. But he believed that the feelings of the Roman Catholics, with regard to the passing of that Act, and their feelings towards the authors of it, were not identical with those which had been expressed by the hon. and learned Member for Tipperary. He held in his hand a letter, which was addressed to him in 1830, by one of those whose political disabilities were removed by that Act of Parliament. It was written soon after the dissolution of the Government of the Duke of Wellington. It was in these terms:—" You have retired from office. A great portion of my political life has, I trust, been fairly and honourably opposed to your's. You have made ample amends for what I deemed your public sins, in carrying the Relief Bill, and applying your great talents and attainments to the success of that truly national measure. You have made the greatest sacrifices that a statesman or politician could be called on for—human passions and human feelings, to the sense of justice, reason, and conviction. While you, Sir, were in power, the humble expression of my gratitude for the benefits conferred on my country by that all-healing measure, may have been, by minds of a less manly and noble cast than yours, imputed to other motives and feelings than those which now animate me; I can have at this moment no other motive than that which I really profess—a deep sense of gratitude for the solid and lasting advantages you have procured for Ireland by your noble and disinterested exertions for her peace and prosperity, manifested by the splendid and powerful aid you gave the Relief Bill in the Commons House of Parliament. Receive, then, Sir, the thanks and gratitude of an Irishman, long and arduously engaged in the service of his country, and who, on that account, may be better able to appreciate the extent and value of the services you have, by this single measure, conferred on Ireland and the empire; and, accept, Sir, in your retirement, the best wishes for your welfare and happiness in that honourable retirement." Certainly, this letter gave a direct negative to the statement of the hon. and learned Gentleman, as to the feelings of the Roman Catholics with respect to the Relief Bill. The letter must have been written from the most disinterested principle, postponed as it was until the day he retired from office. It was written by Nicholas Purcel O'Gorman, late secretary to the Catholic Association. He referred to that letter for the purpose of showing that the hon. and learned Gentleman had no right to assume that the passing of a Bill by which Roman Catholics were altogether relieved from political disabilities, had failed in its healing effect, because it was coupled with a refusal to permit the hon. and learned Gentleman (the Member for Dublin) to take a seat in that Parliament. Then the hon. and learned Member for Tipperary had said—"You passed that Bill in 1829; why did you not pass it in 1825? Don't you know that in 1825 the measure of relief then proposed was accompanied with provisions which you ought to have accepted, but which did not accompany the Act of 1829, and the separation of which from that measure accounts for its subsequent failure?" He was never more surprised than by that statement of the hon. and learned Gentleman. The two measures accompanying the Act of 1825 were—one of them the extinction of the 40*s.* freeholders, and the other a provision for the Roman Catholic priesthood. The first of these was passed in 1825, and if the hon. and learned Gentleman attached any great importance to the healing effects of that measure, he had all the advantage of it. With respect to the provision for the payment of the priesthood, he had never heard that the Roman Catholics were warm advocates for that measure. He recollected that many of the most strenuous advocates for the removal of Roman Catholic disabilities contended, that an offer of a pecuniary stipend to the Roman Catholic priesthood was little less than an insult to their Church, and he did understand that both the clergy and laity of that Church protested against any provision for that Church being made a component part of the measure of relief. For the hon. and learned Gentleman now to argue that the measure of 1829 had failed, and that the Roman Catholic priests continued the system of agitation and excitement, because no provision was made for them in the Bill of 1829, surprised him, and he should have expected such an argument from any one rather than from the hon. and learned Gentleman. Was there any inconsistency, then, in removing disabilities in 1829, and in now consenting to dissolve the Irish Corporations? The hon. and learned Gentleman, said that the Act of 1829 provided a new oath for Roman Catholics on their entrance into Corporations, and he condescended to argue that the Act of 1829 gave the Roman Catholics a new and special interest in the Irish Corporations; and he afterwards almost asked (for said the hon. and learned Gentleman, God forbid I should ask) whether it were consistent with his (Sir R. Peel's) honour and good faith, after the admissions made in the Act of 1829, now to propose the dissolution of those Irish Corporations. He must say, that in the course of his argument, the hon. and learned Gentleman, trusting, no doubt, to the House being led away by his brilliant phraseology, had drawn very largely on the good nature or credulity of his hon. Friends around him. Why, in another part of the hon. and learned Gentleman's argument, he attempted to show, and very justly, that in the year 1793, the Roman Catholics had, so far as law was concerned, a qualification to be admitted into Corporations; and his argument was, that as they had it before the Union, it was a violation of the Act of Union to interfere with the Irish

Corporations. Now what was the enactment of the Bill of 1829? It merely provided, that instead of Roman Catholics being liable to take the oaths of supremacy and allegiance before being admitted to corporate privileges, they should be qualified for that admission on taking the oath, on the taking of which they were admitted to all other civil offices. But how could the hon. and learned Gentleman argue that there was anything inconsistent with honour and good faith for him (Sir Robert Peel) while Corporations were in existence, to support such a provision, and yet now propose—what? not to give Protestants some separate and peculiar privilege; but that the Corporations themselves should be altogether dissolved and done away? The hon. and learned Gentleman had said, that the same objections applied to the removal of the Roman Catholic civil disabilities as were now urged against this measure; but nothing could be more fallacious. What was the case of the Irish Roman Catholics with respect to civil disabilities? Offices existed, and it was necessary to maintain them. But originally every avenue to distinction was closed against them in the military and naval professions, and in civil offices. Was there any analogy between the placing a Roman Catholic on a footing of equality with respect to a Protestant, who had previously the exclusive possession of those offices, and that of saying that there should be no longer any monopoly of privilege to either party in these abused institutions? You say these institutions have been abused—we say they shall be abused no longer; but this we hold to be consistent with the first principle of equity, that if you destroy monopoly and exclusion on the one hand, you shall not, by an abuse of terms, establish and confer it on the other. Would it by this Bill be established? What was the admission of the hon. Member for Northampton, a Member of His Majesty's Government? An admission repeated when cheered. Did he say that it was a great source of satisfaction when he contemplated this Bill, that it would give power to the majority of the country? Did he put his argument in that form? No. He said this—"Whereas, you, the Protestants, have hitherto held power; you being a minority, I do rejoice in passing an Act which shall hereafter place the possession of power in the hands of those who were to the minority as seven to one. In order to point his argument, and to show that the hon. Gentleman did not unwarily prophecy that the consequence of this measure would be to transfer the power from the hands of the Protestants to the Roman Catholics, he stated the proportions of the Roman Catholics to the Protestants, and exulted in the result; not that the Protestant would continue to maintain his fair share of corporate privileges in proportion to his intelligence and wealth, but that the result of the measure would be, by some sort of sinister procedure, an unqualified and unmitigated exclusion of the Protestant. It would be a transference of power precisely to that majority, of which the Roman Catholic population of that country formed a part. Believing with the hon. Gentleman, generally speaking, that it would have that effect—not that every person elected to these Corporations would be a Roman Catholic, but that those who were elected, though belonging to other professions of faith, must, in order to insure their election, be subservient to the Roman Catholics, must promote Roman Catholic objects. He feared that result, and, therefore, he protested against this Bill. Even admitting the *primâ facie* force of the argument in favour of establishing analogous institutions in England and Ireland, if he found a still more sacred principle intervened, and that the effect of the measure would be to exclude those who had the monopoly now, and transfer the power altogether to the hands of the excluded; he must conclude that the pretended adjustment of the balance was a false one, and that they had no right, under the pretence of consulting analogy, to violate that sacred justice which was predominant over all. He had often heard that these exclusions were the greatest grievances under which the Roman Catholics of Ireland laboured; but if the monopoly were to be transferred to those possessed of the power which physical strength and numbers gave the preponderance, the grievance would be infinitely more galling to the Protestant than anything hitherto felt by the Catholic. He had heard, before this Bill was thought of, of the dangers arising from local partialities in the administration of justice. He recollected reading a letter on the subject of the Lord-Lieutenants in Ireland, addressed by the hon. and learned Member for Dublin, to

Lord Duncannon in 1834. The Ministers of that day found Lord-Lieutenants in England, and then appointed them in Ireland, upon the principle of adopting analogous institutions in the two countries. The noble Lord, the then Secretary for Ireland (Lord Stanley) with the consent of Lord Grey and his Government—for whom let him (Sir R. Peel) remind the hon. and learned Gentleman, a grave as deep was dug in Ireland as ever was dug for him, and he had at least that consolation in the tomb, that others who had lauded the Roman Catholics, and had received their encomiums for attachment to their cause, were now treated with the same neglect and contumely as he was. The noble Lord on that occasion had no compliments paid him for adopting English analogies, but he was warned that they might be the means of provoking local prejudices, which might endanger the pure administration of justice. The letter ran thus:—"This section shall dispose of your Lord-Lieutenancies of counties. It should be observed, that we owe the existence of these offices to Stanley. It was one of his presumptuous plans, and as bad as such a measure could possibly be." Let the House observe that this was the impartial testimony of a person given long before the Irish Municipal Bill was in contemplation. These were the arguments by which the adoption of English analogies were reprobated, and by which it was shown, that the adoption of such analogies would never reconcile the people to them, if they were not calculated to place power in the hands of the Catholics. The letter continued:—"In fact, one great complaint of the Irish people has been against the practical operation of local partialities. This, above all things, was complained of in the magistracy. The remedy would have been to increase the vigilance, and particularly the responsibility of the Chancellor and of the Government; instead of which the direct contrary course was pursued, and indeed turned into law by Stanley. He created a local authority, necessarily imbued, either through religious differences or election contests, with local partialities; thus, in its nature, aggravating the evil complained of with justice, whilst it took away, or at least greatly diminished, the responsibility of the Chancellor and of the Government, and shifted that responsibility upon the Lord-Lieutenants of counties." The chances of interfering with the local administration of justice by partizans was here described as one of the great grievances of Ireland, and would not, he asked, the transfer of power in Corporations from one sect to another increase the just causes for this complaint. That was the argument used by us as far as the administration of justice was concerned, but applying with tenfold greater force in this case than it did to the appointment of Lord-Lieutenants who had no power to appoint Magistrates without the consent of the Lord Chancellor. In the instance alluded to, it appeared, on the authority of the letter quoted, improper to maintain the English analogy; yet that analogy was now contended for, and his Majesty's Government distrusted a creature of their own brain. They had given to the English Corporations the power of appointing their Sheriffs, and yet they had admitted that such was the state of Ireland, no popular assembly could be trusted with the election of the officer by whom juries were to be selected, and therefore without a division they had withdrawn so much of their Bill as had reference to that point. They had given to English Corporations the power of appointing their own police—that power was denied to Irish Corporations. Again, they had taken from the jurisdiction of the corporations the ports and harbours of such towns as had ports and harbours. He taunted not the Government for these changes, because on the dictates of their own consciences the alterations had been made. Those alterations diminished some of the objections he had to their Bill; but they served to increase the force of all the arguments against the necessity of establishing similar laws for the two countries. The Government had, by this measure, created in the fifty boroughs specified in the Bill as many political assemblies, and distrusting those bodies had removed from them their proper municipal functions. Why should they not have the control of their police, the administration of justice, and the management of their ports and harbours—all proper municipal duties—but that they were distrusted? In short, what was left to them but the duty of political agitation? It was true that their functions as corporators were narrowed and circumscribed, but the intensity of political agitation was increased by this measure, and if ever there was a scheme calculated to engender and increase religious animosity, political feuds, and laxity of expenditure of the public money, it was that contained in the provisions of the Bill now under the consideration of the House. By it powers were given to the council to tax their constituents for the payment of the salaries of the mayor, recorder (where there existed such an officer), the treasurer, and (in the extensive liberality of the right hon. and learned Attorney General for Ireland) " all such other officers as they should think fit to appoint." He (Sir R. Peel) was very much inclined to think that the predominant party would not use their powers very lightly. He would take one of the towns about to be blessed with a Corporation; Belturbet, for instance, a town of 2,000 inhabitants, was to have a Corporation to tax those inhabitants for the maintenance of a mayor, treasurer, and all other officers that body might think fit to appoint. On what principle Belturbet was included in the schedules he was at a loss to know, when some other towns, with populations of more than 2,000, were not mentioned. Where was the town of Ardfert, much more populous than Belturbet, though it was in the Report described as a village? It might be that the revenues of Belturbet made it desirable that it should have a Corporation. Why, it appeared that it enjoyed a bequest producing 9*l.* a-year, of which 5*l.* was required for a debt still owing, so that 4*l.* was the clear net revenue, which large bequest of 9*l.* was to entitle it to be taxed for the support of all the functionaries of a Corporation. Belturbet, however, was the lowest in the scale, and he would now take the highest, Dublin, which nobody would deny ought to have a Corporation. The Bill, therefore, most certainly gave Dublin a mayor and town-council, but it gave them no right to appoint their sheriffs, no power to nominate the recorder, that being reserved to the Lord-Lieutenant, and it was expressly provided, " Nothing in this Act contained shall enable the Commissioners for paving, cleansing, and lighting the streets, or the Commissioners for widening the streets, or the Corporation of Commissioners for the improvement of the port and harbour of Dublin, to transfer their powers to the new Corporation." Here then was a Corporation destitute of corporate functions, and what other inference could be drawn from this, but that the intention of depriving the council of municipal functions was for political objects? He hoped the right hon. and learned Gentleman would consent to leave out the latter part of this Bill; if not, as they had failed to amend the Bill, he felt bound to reject it. What had the English Commissioners of Municipal Reform said in their Report? Why, that the perversion of municipal institutions to political ends had betrayed local interests to party purposes. Would not this be the case in Ireland under this Bill? That sentence from the English Report was one of condemnation on this measure, which would tend to pervert Irish municipal institutions to political ends, and through the corruption of Corporations, lead to the demoralization of the constituent body. It had been said that the spiritual influence of the priesthood had caused the removal of Catholic disabilities; that might be true, and it might be a case in which such influence was legitimately exercised. But when the hon. and learned Gentleman went on to say, that that influence caused the reform, could he be surprised, when he admitted, and gloried in the admission, that that influence was exercised for the promotion of a civil object —could he be surprised if they on his side refused to create new organs, by making fifty popular assemblies through which the same influence might be exercised for civil objects? Was it he (Sir R. Peel) who introduced religion into that discussion? Was it he, when the hon. and learned Gentleman referred with triumph to the annihilation of the power of the Beresfords in one county, to the extinction of the power of the Fosters in another, and to the influence of the Roman Catholic clergy? He said, then, for the sake of the religion which they all professed, that in his (Sir Robert Peel's) opinion, it would not conduce to the legitimate influence of property in Ireland, to the maintenance of due respect for religion, or to the safety of the Protestant institutions, to create this new sphere for the exercise of the influence to which the hon. and learned Gentleman had adverted. In his opinion, the elections for these new institutions would be embittered by a spirit of party hostility far beyond any that was excited by political elections; acting, as these elections would, in a smaller sphere, and repeated as they would be more frequently, he believed, in his heart, that they would do more to widen and to perpetuate religious animosities than any election for merely political purposes would ever do. "And, Sir," continued the right hon. Baronet—"and Sir, to conclude, I must say, that after the hon. and learned Gentleman's boast, that the spiritual influence of the priests had been thus exercised, and after the exultation he expressed at the annihilation of property by means of its exertion, I was surprised to hear him make an invocation to that pure ambition which ought to disclaim any reference to temporal objects, trusting, at the same time, that this influence would be exercised to abolish completely that odious impost, as he termed it, in memory of which we ought every night to address our prayers to our Creator for the murders at Rathcormac and other places which he named. If this be the way in which this influence is to continue, if this be the mode in which the Act of Union is to be maintained, you may pass what Act of Appropriation you please, reserving some portion of the property of the Church to Protestant purposes; but you will not succeed, for the hon. and learned Gentleman has intimated his belief that the Roman Catholic clergy will be justified in continuing to exercise their spiritual influence in civil matters till their own ends be attained. Under these circumstances, I must say, while I maintain my determination to place the Roman Catholics of Ireland, as far as they can be, on a perfect footing of civil equality with the Protestants, I will not consent to the establishment of institutions which will be destructive of that equality, and which will afford a new scope for the exercise of that influence, which the hon. and learned Gentleman thinks may be legitimately directed against the existence of the Protestant Church. I do feel justified, therefore, in withholding my assent to a measure which will be the signal for fresh animosities, which will be fatal to internal peace, and which will endanger the security of the Protestant Church and Protestant Establishment in Ireland."

Mr. *O'Loghlen* would trouble the House with a very few words at that late hour. He was induced to trouble them at all, principally by some observations which had fallen from the hon. and learned Member for Exeter (Sir W. Follett), relative to the original institution of the Irish Corporations. The hon. and learned Gentleman said, if he understood him correctly, that by their original constitution, no general right was given to the inhabitants of the district, and that they differed altogether from the English Corporations in that respect. Now the fact was, that by all the early charters the grant was to the inhabitants, without any particular limitation. It had been said in the course of Debate, the Irish Corporations were founded for Protestant purposes; he had never before heard it even asserted, that any greater number than forty Corporations of Ireland, constituted by James the 1st, were founded for Protestant purposes. On this point he would do no more than beg the House to refer to the speech of the noble Lord, the Member for Lancashire, in bringing forward the Irish Reform Bill. He would not again make any quotation from it, he would merely say, that it afforded a complete answer to this argument. Of these forty Corporations, however, but seventeen were included within the provisions of the Bill, the remainder having become extinct; the other twenty-three, to which the Bill applied, were founded long before, some of them, like the Corporation of Dublin, claiming from prescription. It could scarcely be contended, that Corporations to which charters were granted before the Reformation, were founded for Protestant purposes. He was aware, that when it was thought expedient to enact penal laws, provisions were introduced for excluding the Roman Catholics from the powers to which, by the original charters, they were unquestionably entitled. The exclusion arose from the effect of the penal laws, and not from the words of the original charters. The learned Member for Exeter alleged, that he took his information from the Report. Now, hear what the other Commissioners say on this subject:—"The general terms of the charters, and the purposes of local utility for which they appear to have been granted, import that the inhabitants of the corporate towns were the class to whom they were addressed, as the objects of royal care and protection, and the proper administrators of the estates and functions conferred on the municipality." These charters contain no exclusive clauses in favour of any particular class of the inhabitants as distinguished from the rest, though abounding in provisions against strangers. They were told, that the Bill deprived the

Corporations of the power of appointing Sheriffs, and they were triumphantly asked, what they left to the corporate bodies to do? He would say what they left them. The management of the corporate property, and the power of levying a rate, limited in amount, for local purposes. They also invested the Mayor with the functions of a Magistrate during his mayoralty, and they invested the Corporation with the administration of local affairs as far as their own property was concerned. Why did not the hon. Member who wished to get rid of those powers propose to Repeal the Act of the 9th of George the 4th, which left in every town a corporate body for the purposes of lighting and paving? The right hon. Baronet had asked, on what principle they gave a Corporation to Belturbet and excluded Ardfert? His reply was, that many towns had become excluded, because their Corporations had become extinct. But the right hon. Baronet had not stated the rental of Belturbet accurately. If he looked to the Report, he would find that they had a small remnant of their old property, amounting to 120 acres of land, still remaining. And here he would say, that it was not fair to argue that, because the Irish corporate towns have been plundered of their property, they were not to have Corporations. But he would try the importance of Belturbet by another test. He would compare the Excise duties paid by that town in 1824 and 1835, with those paid by the town of Tamworth during the same period. In the first period the Excise duties paid by the town of Belturbet were 20,136*l.*; and in the second they amounted to 23,648*l.* The amount paid by the town of Tamworth in the first period was 2,787*l.*; in the second 3,037*l.*; and yet Tamworth had its Corporation, and no proposal had been made to exclude it. In the town of Middleton, in the same way, the amount of Excise duties paid in 1834 was 82,262*l.* They were asked what the Corporation of Dublin would have left to do. His reply was, that if their corporate property, amounting to 30,000*l.*, were properly administered, they would no longer have occasion to tax the inhabitants. In one case, in the case of the borough of Youghal, a sum of nearly 600*l.* per annum is assessed under the 9th George the 4th, for paving, lighting, and cleansing the town, the Corporation having an income of 900*l.* a-year, not one shilling of which was applied to this purpose. In many other towns the corporate funds, if properly applied, would relieve the inhabitants from local taxation. The interference of the Roman Catholic clergy in the elections for Ireland had been brought forward and dwelt upon very frequently of late. He really thought they had a fair right to complain that some rather uncharitable industry had been exercised in gathering up and repeating any incautious expressions that had fallen from or been attributed to them. The hon. and learned Recorder for Dublin (Mr. Shaw) had on that, as on former occasions, alluded to the influence of the priesthood in the elections for Ireland. He could not help saying, that if there were any one Member of that House who ought to abstain more cautiously than another from adverting to such topics, it was the hon. and learned Gentleman himself. He would assert, and he could prove, that if any one Member of that House could be called the nominee of a clergyman, it was the hon. and learned Gentleman. [" *no, no," from Mr. Shaw*]. The right hon. and learned Gentleman said, " no." He was perfectly sure, that the right hon. and learned Gentleman would deny the fact, at all events; and he had, therefore, furnished himself with proof of his assertion. He had the good fortune to be present at the last election for the University, when the right hon. and learned Gentleman was returned; and he also knew what had occurred at the election in 1832, in both of which the rev. Mr. Boyton took an active part. Previous to the election, there was a canvass in the University. Some three or four candidates addressed the electors. This proceeding was considered by the reverend Gentleman as an improper interference with his borough, and accordingly he published a letter in the Dublin papers, an extract from which he would read to the House. It was dated on the 15th December, 1834, immediately preceding the election, and was as follows:—" And now to conclude, I once before took a similar line, in similar circumstances, respecting the Representative of the University. I was blamed by some; but the public will do me the justice to recollect, that if I had not taken that course, Mr. Shaw would have been ever since out of Parliament. My Protestant brethren will, I know, give me credit for being honest in intention. They will recollect, that I did not act imprudently then, and I believe they will trust me that I am not acting imprudently now." This had reference to the election for the College held in the year 1832, when the right hon. Gentleman was returned for the first time for the University, through the exertions of the rev. Mr. Boyton; and having quoted this passage from the letter of the patron in answer to the assertion of the patronised, he would leave it to the House to decide whether the rev. Mr. Boyton was or was not instrumental in procuring a seat in Parliament for the right hon. Gentleman. The hon. and learned Gentleman had talked of agitation. He admitted, that agitation did prevail in Ireland. He would admit, moreover, that they had both clerical and lay agitators; and, furthermore, that they had in Ireland a description of agitators fortunately unknown in this country—he meant judicial agitators. The hon. and learned Gentleman said, he had been favourable to Catholic Emancipation. He knew he had voted for it, but he could not confirm the hon. and learned Gentleman's statement that he had never joined in the "No Popery" cry. On the contrary, so lately as the year 1831, when he was a candidate for the representation of the city of Dublin, in which he was a Judge, and was opposed by a Roman Catholic candidate, he had his Committee-room, which was situated within a few yards of the judgment-seat on which he decided on the right of his Catholic fellow-citizens, covered with placards of "No Popery," and other sectarian and bigoted placards. The hon. and learned Gentleman had introduced it, and when he (Mr. O'Loghlen) heard these charges made against the Roman Catholic clergy night after night, he felt that he should not be doing his duty if he did not come forward and defend them. The character of the Roman Catholic clergy in Ireland seemed to be the stock-in-trade of every unprincipled libeller who traded on the prejudices of the English people. If the learned Gentleman had found one of them writing such a letter as that published by Mr. Boyton, admitting that what he did was wrong, but justifying the means by the end, what a burst of orthodox indignation the House would be favoured with. One word on the general principle of the Bill. He would entreat the English and Scotch Members to recollect, that if they once sanctioned the principle that the same measure of justice should not be extended to Ireland as England, they deprived themselves of all chance of obtaining any further measures of reform; for if the principle were once introduced, the answer of a Minister, when further reform was required, was obvious: "This cannot be extended to Ireland, and therefore I cannot give it to England or Scotland." For his own part, he would only express his confident opinion that the measure would be most beneficial, and that none of the injurious results which had been anticipated from it would ensue. He had only one word to add relative to the town of Belfast. The hon. and learned Member for Exeter had said, with an air of triumph, that it was governed by local Acts, that its inhabitants were not dissatisfied, and that it did not require the application of the present measure. He would only remind the House, that they had heard from one of the Members for the town, that the members of the local board had the administration of funds amounting to 17,000*l.* a-year. But, says the hon. Member for Exeter, the Corporation has nothing to do with those bonds. If he had read the Report he would find, that, by the local Acts, the sovereign and twelve burgesses self-elected, or rather named by the patron, were *ex-officio* Commissioners of Police, and actually formed a majority of that body. What says the Report as to those local Boards?

> "The powers given to the sovereign and free burgesses, who are by no means identified in interest with the inhabitants, but who were elected by them, are also complained of; and the raising of the qualification of voters for the election of Commissioners and Committee, was made so high, by the Act of 1816, that it is asserted to have made them the representatives rather of a party, than of the body of the tax-payers; the effect certainly has been to exclude a large portion of the rate-payers from a control over the appointments, and expenditure in them out of the last five years. The 40*l.* house-holders had no voice in the election of Commissions; and the 20*l.* house-holders, no voice in the election of committee men."

The same thing occurred in Sligo, Derry, and other places, in which there were local Acts; the corporate body having continued to get the members named, as trustees and Commissioners, *ex-officio*, in almost all of them. So that, though the corporate body may not have any of its own property left, it continued, by means of those local Acts, to get large funds raised from the people under its control. He would now briefly allude to the conduct of the right hon. Baronet, the Member for Tamworth, with respect to this Bill. In his Act of 1829, he introduced the following clause respecting Corporations in Ireland :—

> "And be it enacted, that it shall be lawful for any of his Majesty's subjects, professing the Roman Catholic religion, to be a member of any lay body corporate, and to hold any civil office or place of trust or profit therein, and to do any corporate act, or vote in any corporate election, or other proceeding, upon taking the oath hereby appointed."

Would he say that he made us eligible to corporate offices, knowing that we would not be elected—that he gave us equal privileges in theory, and in practice exclusion. If he did not, how could he reconcile his present conduct with his conduct in 1829 —now coming forward, leagued with those who opposed him in 1829, to prevent Catholics from enjoying privileges to which he then professed to make us eligible. It was not possible to reconcile his conduct on those two occasions. There were other topics which he would wish to advert to, but at this late hour he would refrain from doing so, and merely express his hope that the result of the division would show that the majority of this House would not sanction the principle on which the amendment was founded.

The House divided, when the numbers were — Ayes 260; Noes 199: Majority 61.

The Bill was read a third time, and passed.

List of the AYES.

Acheson, Lord
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Andover, Lord
Angerstein, J.
Anson, Colonel
Anson, Sir G.
Astley, Sir J.
Attwood, T.
Bagshaw, John
Bainbridge, E.
Baines, E.
Baldwin, Dr.
Ball, N.
Barclay, David
Baring, F. T.
Barnard, E. George
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Bellew, R.
Benett, John
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. C.
Bernal, R.
Bish, Thomas
Blake, M. J.
Blamire, W.
Bowes, J.
Brabazon, Sir W.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, Rt. hon. D.
Buckingham, J. S.
Buller, E.
Bulwer, H. L.
Burton, H.
Butler, hon. P.
Buxton, T. F.
Byng, G.
Callaghan, D.
Campbell, W.
Cave, O.
Cavendish, C.
Cavendish, G.
Cayley, E.
Chalmers, P.
Chetwynd, Captain
Childers, J. W.
Churchill, Lord
Clay, W.
Clayton, Sir W.
Clive, E.
Cockerell, Sir C.
Codrington, Sir E.
Colborne, N. W.
Conyngham, Lord A.
Cookes, T. H.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Denison, W.
Denison, J. E.
D'Eyncourt, C. T.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, J.
Dundas, T.
Dundas, J. D.
Dunlop, J.
Ebrington, Lord
Ellice, right hon. E.
Elphinstone, Howard
Etwall, R.
Euston, Earl of
Evans, G.
Ewart, W.
Fazakerley, J.
Fellowes, hon. N.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Fergusson, hon. R. C.
Fielden, J.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Fleetwood, P. H.
Folkes, Sir W.
French, F.
Gaskell, D.
Gisborne, T.
Gordon, R.
Goring, H.
Grattan, J.
Grey, Sir George
Grosvenor, Lord R.
Grote, G.
Guest, Josiah
Hall, B.
Hallyburton, D. G.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A.
Heathcote, J.
Hector, C.
Hindley, C.
Hobhouse, Sir J.
Hodges, T. L.
Holland, E.
Horsman, E.
Howard, Ralph
Howard, E.
Howard, P. H.
Howick, Viscount
Hume, Joseph
Humphery, John
Hurst, R. H.
Hutt, W.
Jephson, C. D.
Johnstone, A.
Kemp, T.
Labouchere, H.
Lambton, H.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennard, T. B.
Long, W.
Lushington, Dr. S.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
M'Taggart, John
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, W.
Martin, T.
Maule, hon. F.
Methuen, P.
Molesworth, Sir W.
Moreton, hon. A.
Morpeth, Viscount
Morrison, J.
Murray, right hon. J. A.
O Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
O'Loghlen, Sergeant
Oswald, J.
Paget, F.
Palmer, General

Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pelham, C.
Pendarves, E. W.
Philips, M.
Philips, G. R.
Phillips, C. M.
Pinney, W.
Ponsonby, hon. J.
Potter, R.
Poulter, J.
Poyntz, W. S.
Price, Sir R.
Pryme, G.
Pryce, P.
Ramsbottom, J.
Rice, rt. hon. T. S.
Rippon, C.
Robarts, A. W.
Robinson, G.
Roche, W.
Roebuck, J.
Rolfe, Sir R.
Rooper, J. B.
Rundle, John
Russell, Lord John
Russell, Lord
Russell, Lord C.
Ruthven, E.
Sanford, E. A.
Scholefield, J.
Scourfield, W. H.
Scrope, G. P.
Seymour, Lord
Sheil, R. L.
Sheldon, E.
Simeon, Sir R.
Smith, J. A.
Smith, R. V.
Smith, B.
Stanley, H. T.
Steuart, R.

Stewart, P. M.
Strickland, Sir G.
Strutt, E.
Stuart, Lord D.
Stuart, Lord, J.
Stuart, W. V.
Surrey, Earl of
Talbot, Chr. M. R.
Tancred, H.
Thomson, rt. hon. C. P
Thompson, P. B.
Thompson, Colonel
Thorneley, Thomas
Tooke, William
Townley, R.
Trelawney, Sir W.
Troubridge, Sir E.
Tulk, Charles A.
Turner, W.
Tynte, J. K.
Verney, Sir H.
Villiers, C.
Vivian, J. H.
Wakley, Thomas
Walker, C.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, H.
Whalley, Sir S.
Wigney, I.
Wilbraham, G.
Wilde, Sergeant
Wilks, J.
Williams, William
Williams, W. A.
Williams, Sir J.
Wilson, H.
Winnington, H.
Wood, Matthew
Wrightson, W. B.
Wyse, T.
Young, G. F.

TELLERS.

Wood, C.
Stanley, E. J.

List of the NOES.

Alford, Lord
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. A. C.
Bagot, hon. William
Bailey, J.
Baillie, H.
Balfour, T.
Barclay, Charles
Baring, F.
Baring, W.B.
Baring, T.
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Beresford, Sir J.
Bethell, R.
Blackburne, J. I.

Blackstone, W. S.
Boldero, Captain
Bolling, W.
Bonham, F. R.
Bradshaw, James
Bramston, T.
Brownrigg, J.
Bruce, Lord E.
Bruce, C.
Brudenell, Lord
Bruen, F.
Buller, Sir J.
Burrell, Sir C.
Calcraft, J. H.
Canning, Sir S.
Castlereagh, Viscount
Chandos, Marquess of
Chapman, A.
Chichester, Arthur
Clive, Lord

Clive, hon. R. H.
Codrington, C.
Cole, Viscount
Compton, Henry C.
Corry, hon. H.
D'Albiac, Sir C.
Damer, G. L.
Dick, Quintin
Dottin, Abel R.
Dowdeswell, William
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
East, James B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Elwes, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Fancourt, Major
Fector, J. M.
Ferguson, G.
Finch, G.
Fleming, J.
Foley, E.
Follett, Sir W. W.
Forbes, W.
Forester, hon. G. C. W.
Freshfield, J. W.
Gaskell, J. Milnes
Geary, Sir W. R. P.
Gladstone, T.
Gladstone, W. E.
Gordon, W.
Gore, W. O.
Goulburn, Rt. hon. H.
Graham, Sir J. R. G.
Grant, hon. Colonel
Greene, T.
Greisley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hay, Sir J. R.
Henniker, Lord
Herbert, hon. S.
Herries, right hon. J. C.
Hill, Lord A.
Hogg, J. W.
Hope, J.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Hoy, J.
Hughes, W. H.
Inglis, Sir R. H.
Jermyn, Earl,
Jones, T.
Jones, W.

Kerrison, Sir E.
Kirk, P.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lefroy, right hon. T.
Lennox, Lord A.
Lennox, Lord G.
Lewis, D.
Lincoln, Earl of
Lowther, hon. Col.
Lowther, Viscount
Lowther, J. H.
Lygon, Colonel
Mackinnon, W. A.
Mahon, Lord
Manners, Lord C.
Maunsell, T. P.
Meynell, H.
Miller, W. H.
Mordaunt, Sir J.
Neeld, John
Nicholl, Dr.
Norreys, Lord
O'Neil, hon. J. B.
Ossulston, Lord
Packe, C. W.
Parker, M. N.
Patten, J W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Plumptre, J.
Plunket, hon. R.
Polhill, Captain
Pollen, Sir J.
Powell, Colonel
Praed, W. M.
Price, S. G.
Price, Richard
Pringle, A.
Reid, Sir J. R.
Richards, J.
Rickford, W.
Ross, C.
Rushbrooke, Colonel
Russell, C.
Ryle, John
Sanderson, Richard
Sandon, Viscount
Scarlett, hon. R.
Shaw, right, hon. F.
Sheppard, Thomas
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir H.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Colonel
Tollemache, hon. A. G.
Trench, Sir F.

Trevor, A.
Trevor, G. Rice
Twiss, Horace
Tyrell, Sir J. J.
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R. R.
Wall, C. B.
Walter, J.
Welby, G. Earle
Wilbraham, hn. R. B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wortley, hon. J. S.
Wyndham, W.
Wynn, right hon. C.
Wynn, Sir W.W.
Yorke, E.
Young, Sir W. W.

TELLERS.

Clerk, Sir G.
Fremantle, Sir T.

Paired off (not official).

AGAINST THE THIRD READING.

Agnew, Sir A.
Baring, H. B.
Barneby, J.
Bateson, Sir R.
Borthwick, P.
Bruen, Colonel
Campbell, Sir H. P.
Cartwright, W. R.
Chaplin, Lieut.-Col.
Charlton, E. L.
Chisholm, A.
Cole, hon. A.
Conolly, Colonel
Cooper, E. J.
Coote, Sir C.
Corbett, T. G.
Darlington, Earl of
Davenport, J.
Duffield, T.
Egerton, Lord F.
Elley, Sir J.
Entwisle, J.
Fielden, W.
Glynne, Sir S. R.
Goulburn, Serjeant
Greville, Sir C.
Hamilton, Lord C.
Halse, J.
Hayes, Sir E. S.
Irton, S.
Johnstone, J. J. H.
Knatchbull, Sir E.
Lopes, Sir R.
Longfield, R.
Lucas, E.
Lushington, rt. hon. S.
Maclean, D.
Mandeville, Viscount
Marsland, T.
Maxwell, H.
Miles, P. J.
Noel, Sir G.
Owen, Sir J.
Palmer, R.
Peel, Colonel
Peel, rt. hon. W. Y.
Peel, E.
Penruddocke, J. H.
Pollington, Viscount
Pollock, Sir F.
Rae, Sir W.
Ridley, Sir M. W.
Scott, Lord J.
Smith, J. A.
Stanley, E.
Townshend, Lord J.
Vernon, G.
Walpole, Lord
Weyland, Major
Wood, Colonel

FOR THE THIRD READING.

Bannerman, A.
Barham, J.
Bellew, Sir P.
Berkeley, G.
Bewes, T.
Biddulph, R.
Bowring, Dr.
Buller, C.
Byng, hon. G.
Beaumont, T. W.
Chapman, M. J.
Campbell, Sir J.
Chichester, J. P. B.
Clements, Lord
Collier, John
Copeland, W.
Crompton, S.
Dillwyn, L. W.
Edwards, Colonel
Finn, W. F.
Fitzsimon, C.
Fitzsimon, N.
Fort, J.
Grattan, H.
Grey, Lieut.-Col.
Gully, J.
Handley, H.
Harland, W. C.
Heneage, E.
Heron, Sir R.
Hodges, T. T.
Kerry, Earl of
King, E. B.
Lister, E. C.
Loch, J.
Mackenzie, J. A. S.
Marsland, H.
Mullins, F. W.
Musgrave, Sir R.
Nagle, Sir R.
O'Connor, Don
Power, J.
Roche, D.
Scott, J. W.
Scott, Sir E. D.
Seale, Colonel
Sharpe, General
Smith, hon. R.
Speirs, A.
Talbot, J. H.
Talfourd, Sergeant
Tracy, C. H.
Vivian, Major
Walker, R.
Wemyss, Captain
Westenra, hon. J.
White, S.
Williamson, Sir H.
Winnington, Sir T.
Wrottesley, Sir J.

HOUSE OF LORDS,
Tuesday March 29, 1835.

MINUTES.] Bills. Read a third time:—Indemnity; Slave Treaty (Spain); School Sites Conveyance; Ecclesiastical Leases Regulation.—Read a second time:—Letter Stealing (Scotland); Sale of Bread.

Petitions presented. By the Bishop of LONDON, from the Minister and Congregation of St. Mary, Maldon, for some provision to ensure the Better Observance of the Sabbath. —By the Duke of NORFOLK, from Debenham, for the Repeal of the Duty on Newspapers.—By the Archbishop of Armagh, from Clergymen in Limerick, for Protection to the Protestant Church of Ireland.—By the Earl of HARROWBY, from the Electors of Stafford, against the Stafford Borough Disfranchisement Bill.

MUNICIPAL CORPORATION ACT AMENDMENT.] The *Lord Chancellor,* in moving the second reading of the Municipal Corporation Act Amendment Bill, observed, that considerable inconvenience had arisen from some of the provisions of the Act passed last Session, as well as from misconceptions that had been entertained with reference to other portions of the Act, which rendered it necessary that certain alterations, intended to amend and to explain the Act, should be made. To a few of these he begged leave to call their Lordships' attention. The inconvenience arose in this way from the working of the Bill of last Session. Some misunderstanding had occurred as to the validity of the election of Mayor, under the 38th section of that Act, in consequence of a defect in the title of the presiding officer before whom the election had been made, though, in all other respects, it was good. The first clause of this measure was intended to set that point at rest, by declaring, that "no election of any person into any corporate office shall be liable to be questioned after the passing of this Act, by reason of any defect in the title of the person before whom such election may have been held, provided that such person so presiding shall have been then in the actual possession of, or acting in, the office, giving the right to preside at such election;" and it further provided, "that all acts duly done in the right of their office, since the 25th day of December, by the persons so chosen at any such election, shall be good to all intents and purposes, notwithstanding the person or persons before whom such election may have been held may not have been the person or persons legally entitled to preside at such election." By another clause of the Act of last Session it was provided, that elections should be held before the Mayor and assessors. But, in some instances, it happened that the election took place before the assessors were appointed, in consequence of that appointment being fixed for the month of May. The present Bill proposed to cure that defect, by declaring, "that all elections had, before the passing of this Act, or to be had under this Act, before the election of assessors, the Mayor or councillor presiding, shall be as good as if held before the Mayor and assessors jointly." By another clause in the present Bill, it was enacted, that the Court should have the jurisdiction to settle the burgess roll; and it is provided, "that the burgess roll, for the time being, of any borough named in the schedules, shall be final and conclusive evidence of the title of any person to be on the burgess list of any such borough." By the preceding Act it was provided, "that in every case in which there shall be a division into wards of any borough, the assessors who shall hold the court for revising the burgess lists, with the Mayor, shall be the assessors of the Mayor's ward." Now, it might so happen that, if the Mayor should be chosen from among the Aldermen, there would be no Mayor's ward in the borough, and, therefore, there could be no Mayor's assessors. Therefore, that part of the Act of last Session was repealed; and it was now enacted, "that, in every borough divided into wards, two assessors shall be chosen on the 21st day after the passing of this Act, and in every subsequent year on the 21st day of March, to hold the court for revising the burgess lists with the Mayor." Again, it was provided by the Act of last Session, that the poll at elections should be kept open from nine o'clock until four, in the event of any opposition; but it was not provided, where there was no contest, that the poll should close sooner. It was now enacted, "that it shall be lawful for the presiding officer to close the poll at any time before four o'clock, if one hour shall have elapsed during which no vote shall have been tendered." Another clause of the Bill of last Session provided, "that the councillors who shall first go out of office shall be those who were elected by the smallest number of votes;" but, in the event of an equality of votes, the majority of the council were to determine who should first go out of office. This provided for every case but one. It left doubtful who were first to go out of office in those boroughs where the election of councillors was not contested. It was obvious, therefore, that it was essentially necessary to alter the Act as it now stood, since, where there was no division of votes, it was impossible to ascertain who should go out of office first. The present Bill provided a remedy for that inconvenience, by enacting, that in every case which had not been contested, "the majority of the council shall decide which councillor shall go out of office." Another section of the Act of last Session extinguished certain corporate officers, Mayors, and others, who were accustomed to preside at the sessions. But, under the charters of different towns, these persons made an essential part of those sessions. It was, therefore, obvious, that the Mayor, or other officer, whose presence under the charter was necessary to constitute a court, his office being abolished, there was an inconsistency in going on with the sessions in the absence of such Mayor or other officer. Now this had created considerable difficulty, and very great doubt was entertained whether the proceedings of such court, the officers contemplated under the charter not forming part of them, were legal. To remedy this defect, it was enacted, "That any such court holden since the passing of the Act of last Session, or before the 1st of May, 1836, before the Recorder or any two persons who at the time of the passing of that Act were entitled to act as justices of the peace for any borough, was well and lawfully holden." The 19th section of the present Bill provided, that where the legal right of persons to hold corporate offices under the Act of last Session had been questioned, "it shall be lawful for the person or persons against whom such proceedings shall have been had, to apply to the Court of King's Bench for an order that such proceedings shall be discontinued on payment of costs." Those who questioned the validity of those appointments, had unquestionably a right to do so; and if they passed a Bill to give validity to them, to affirm the title of those officers to hold them, and also to render the proceedings against them inoperative, it was only fair that the parties who had instituted those proceedings, in order to induce a new election, should be indemnified for the expense they had been put to. There was another very important point for consideration—he alluded to that part of the Bill of last Session which had reference to the charitable funds in the hands of Corporations. By the Act of last Session, it was directed, that all charitable funds, in the hands of Corporations, should be separated from the corporate funds, and kept distinct from them. Now, those who had to take charge of those funds, those to whom they had been intrusted, could not say whether they belonged to the Corporation absolutely, or were only made over to them for charitable purposes. And, therefore, the Bank of England, and other parties, felt that they could not safely part with those funds, because they knew not to whom they legally belonged. The present Bill proposed to remove that difficulty, by directing that the funds should be paid to persons appointed by the Corporation to receive them, the receipt of such persons to be a valid acknowledgment and discharge of every such transfer and payment, and all monies so to be received to be applied to the uses provided for by the Act of last Session—namely, the monies held on charity trusts to be paid to the charity trustees of the borough, and such monies as the Corporation might be beneficially entitled to, to be applied as part of the borough fund. Another part of the Bill related to the provision of the Act of last Session with respect to the Cinque Ports. By that measure it was enacted, that the Quarter Sessions which were held in the Cinque Ports being beneficial to certain Corporate liberties of the Cinque Ports, those liberties should contribute equally to the expense. Some difficulty was found in carrying this provision into effect. It was, consequently, thought best to restore the jurisdiction of the Cinque Ports, as far as it could be done, to what it was before the passing of the Bill of last Session; taking care, however, that those places connected with the Cinque Ports which derived benefit from the holding of the sessions in those towns, should contribute to the expense thereby incurred. He conceived, that he had now stated enough to show the inconvenience which arose from the working of the Bill of last Session, partly from the enactments of the measure itself, and partly from a misconception of some of those enactments. It was evident that to remedy this, some legislative measure was necessary: and, without further trespassing on the time of their Lordships, he should move "That this Bill be now read a second time."

The *Duke of Wellington* did not rise to vote against the motion which had been made by the noble and learned Lord, nor to impugn the view which the noble and learned Lord had taken of it; but he must observe, that this Bill, which had been under consideration in another place for a considerable length of time, was brought into that House at a period of the Session, and at a moment, when it was impossible that it could receive that fair investigation on which the determination of their Lordships ought to be founded. Many of those who took part in the discussion of the measure introduced last Session were not at present in the House. He would say, most important persons who took a part in the discussion of the original Bill were absent. Neither, he would observe, were they in the House on the former evening when this subject was introduced. He had, therefore, at that time, entreated the noble Viscount opposite to postpone this stage of the Bill—the regular stage for the discussion of a measure of this description—to that period when a noble and learned Friend of his, and other noble and learned Lords, would be in their places, to take a part in the discussion. He had called on the noble Viscount to do so, and for this reason—because it was a complicated measure. It had required the elaborate statement of the noble and learned Lord to explain a very small part of it to their Lordships. He said, only a small part of it; for, looking at the measure attentively, as it was his duty to do, he found that the noble and learned Lord had left unexplained many most important parts of this Bill. He would say, besides, as an additional reason for postponement, that this was a measure which had attracted a great deal of public attention; and with respect to which, he must observe, he had received as many letters and as many applications, strongly drawing his attention to the subject, from all parts of the kingdom, as he had ever received with reference to any measure that had ever been brought under the consideration of that House. Under these circumstances, he was anxious that the noble Viscount should have been so kind as to postpone the second reading of this Bill, the second reading being the proper time for discussing the principle of the measure—a time when the House would be better prepared to take that principle into consideration than on the present occasion. He had stated, that the noble and learned Lord had not explained all the parts of this Bill, that he had touched only on a few of them. He had not, for instance, noticed the particular enactments relative to Berwick and to Coventry. Those enactments were supposed to have been under consideration in another place; but the alterations proposed were not explained in that House, nor were they explained here. There was another part of this Bill which the noble and learned Lord had not explained to the House. He meant that part of the Bill which enabled the burgesses in Corporations to elect the Mayor and Aldermen, after a certain period, in case the councillors had not thought proper to elect them. It was a principle proposed in another place, and adopted in that House—a principle which he highly approved — that the Mayor and Aldermen should be elected by the Corporation—by the councillors; but this principle was departed from by one of the clauses of the present Bill, which the noble and learned Lord had not even pointed out to their Lordships. Under these circumstances, he thought that their Lordships ought to have a fair opportunity of discussing this question on its principle in some future stage. He did not wish to throw any impediment in the way of his Majesty's Government, but upon this he insisted, that the House had a right to expect to be treated fairly on a question of this description, to which the public mind had been anxiously turned. Their Lordships ought to have the liberty, not only of discussing the principle when going into Committee, but likewise, if they thought proper, on the second reading. He felt it necessary to offer these observations to their Lordships. He had requested the noble Viscount, on the former occasion, to postpone the second reading of this Bill. He would not, however, now oppose the motion; but he must protest against passing over an important measure such as this, without mature discussion.

Viscount *Melbourne* had never heard, and he certainly had never offered, any objection to the full discussion of this measure. Another opportunity would occur for discussing it in all its details. His Parliamentary experience had taught him that it would be impossible to press forward a Bill against the wish of a minority, even a very small minority, of that House, much less against the wish of the noble Duke, standing in the position which he now filled. The proposition which he had made on a former evening proceeded entirely on the notion that no serious objection was entertained against any part of this Bill. He had proceeded wholly and entirely on that supposition. He had stated at the time, that if any noble Lord felt an objection to any part of the Bill, he would not proceed with it then. If such were the case, he would give way on the subject, and he would not attempt to force it forward even now. The noble Duke had said that this was an inconvenient period of the Session for proceeding with the measure, when certain noble Lords were not present to discuss it. Why, the complaint heretofore had been, that business was brought up to that House so late as to prevent its being duly discussed; but in this instance the measure was introduced at a much earlier period of the Session than was generally the case. It should be observed, that the nature of the Bill was not very difficult to be understood, and a full opportunity would be given to consider it. The noble Duke ought to recollect, that if noble Lords were not present to discuss measures when they were introduced to that House, there was no use in bringing them up at all from the other House of Parliament. He did not wish to put this point very strongly, although he conceived that he had a right to make use of it. He was anxious to accede to every thing that tended to the convenience of noble Lords; but this he must say, that if, on the one hand, it was considered a principle that business was to be postponed because noble Lords were absent, he, on the other, would assert that those who wished to expedite business had a right to act on the rule that it was the duty of noble Lords to be present in their places when business was likely to be brought under the consideration of the House. The noble Duke said, he wished to have an opportunity to consider this measure thoroughly. All he would say was, that he would give the noble Duke a full opportunity for that purpose. The Bill did not contain many provisions, and he believed that all of them were necessary. Most of the provisions were matters of detail, of considerable importance, he admitted, but which would be better considered in Committee than in debate. If the noble Duke did not wish the Bill to be read now a second time, he had no objection to postpone it. But if noble Lords meant to allow the Bill to go to a Committee at all, he thought they might as well take the second reading now, and they would have a full opportunity for considering the subject hereafter. He hoped, under all the circumstances, that they would now read the Bill a second time. He was sure that in recommending this course he did not wish to press the House to a sudden decision on the subject. He conceived that the proposition which he made was not at all unreasonable, since sufficient time would be given to consider the measure in Committee.

Lord *Lyndhurst* said, that considering the nature of this Bill—looking to the number of minute provisions which it contained, and calling to mind that it had been nearly two months in the other House, he conceived that it would have been better if the noble Viscount had acceded to the proposition of the noble Duke, and postponed the second reading, that they might have had an opportunity of properly examining its details. The second reading had, however, now been moved; and, as some parts of the measure appeared to be necessary, he meant not to oppose the motion of his noble and learned Friend. He felt it necessary, notwithstanding, to call their Lordships' attention to the measure. Part of the Bill had reference to the future operation of the measure of last Session, and part of it was of a retrospective, of an *ex post facto*, character. It related to matters which were in being, to circumstances which had already happened. Now, with respect to that part of the Bill which had reference to the future operation of the measure of last Session, and which must be maturely considered in the Committee, he would not make any observation; but the retrospective, or *ex post facto* part of the measure, was of such a nature that he felt that he should not be doing his duty if he did not point out its tendency, and the way in which it was calculated to affect the rights and the situation of particular individuals to their Lordships. There were, as his noble and learned Friend had observed, some proceedings now pending in the Court of King's Bench—certain *quo warrantos*, calling in question the right of particular individuals holding situations in town-councils to retain their situations.—Now, no person who looked at the provisions of this Bill, and who considered the elections which had taken place, could avoid seeing that one of those provisions went to render those elections, so contested, valid and legal, although the elections had taken place before a presiding officer who had no right to preside. What, then, he asked, would be the consequence, so far as it related to other parties? Those persons, up to the time of these elections, had held places of trust and profit in Corporations, of which they had been deprived by those who now were in possession of office to which they had been illegally elected. Those parties were, at that very moment, entitled to hold those offices.—All that they might have received, if they had not been thus ousted, was their property, as much as the property of the noble Viscount was his. If the Legislature made those proceedings valid, retrospectively, from the 28th of December last, they would deprive those individuals of the emoluments to which they were entitled. He hoped their Lordships would pause before they sanctioned such a principle; and he thought that his noble and learned Friend should have cited instances to show that the course which their Lordships were now called on to pursue was not a new one. If these elections of councillors were sanctioned, another consequence would follow. When appointed, they might demand, as they would have a right to do, if they were legally appointed, that the muniments and other property of the Corporation should be given up to them.—Now, the officers who questioned the validity of the election had, in several instances, refused to give up those muniments. They had, very properly and discreetly, applied for legal advice on the subject. The answer of their legal adviser was, "You cannot give up this property to those who profess to be councillors, without possessing the legal right by a valid election on the 28th of December last."—If they gave up those muniments, it would be treated as an illegal act in the courts of law. Their Lordships all knew what was said of that extraordinary and most arbitrary power which was given to the town-council by the Act of last Session. They might fine summarily, or imprison, those individuals who, under these circumstances, refused to deliver up the muniments.—What, then, was the situation of those persons who, at the moment, were perfectly justified in what they did, but whose conduct, by the operation of the Bill then before the House, would be rendered illegal, and would be thereby subjected to a penalty? Again, with respect to the Court of Quarter Sessions. In many cases those courts had been improperly held under the new Act. They had sat, however—they had found persons guilty of felony—they had transported individuals, and forfeited their goods and chattels to the Crown.—What would, in those cases, be the effect of this Bill? It would legalize all these proceedings. Was there to be a new trial for those persons? No; but by the retrospective operation of the Bill, the man who was illegally convicted was to be considered legally convicted, he was to be punished in person, and his property was to be confiscated. If his noble and learned Friend looked to these clauses, he must see that the principle of the measure required at least some degree of consideration. With reference to the proceedings now pending in the Court of King's Bench, they, it appeared, were to be stayed, the prosecutors being paid their costs. But they all knew that taxed costs (and these were the costs mentioned by the Bill) would not indemnify a party. In the most vexatious proceedings that ever took place, when a man of the name of Wright some years ago instituted proceedings against an immense body of the clergy, on account of non-residence, Parliament, in staying those proceedings, deemed it necessary to indemnify that individual, because he acted according to law. They gave him not taxed costs, but costs as between attorney and client. He did not think the Bill was clearly drawn. On looking to the clause on the subject of costs, he did not know that the prosecutor would get even his taxed costs. If he applied to the Judge to suspend proceedings, then he was to receive his costs; but that was assuming that he would make such an application. But he might make no such application—why should he? Because this Bill proposed to enact, that every election shall be valid from a certain day in December, on which the election took place. There were very great doubts whether these parties, from the manner in which the Bill was drawn, would get even taxed costs. There would also arise this anomaly under the Bill—that even where a judgment might have been given in favour of the prosecutor, and though the prosecutor might have been right, and justified, at the time, in instituting proceedings, he would have to pay the costs himself in the action ultimately. He had only read the measure over hastily, but these were some of the points to which he was anxious to call their Lordships' attention. There were a great many minute provisions in the Bill, the objects of which were not understood until his noble and learned Friend stated them in detail. Under all these circumstances, it would be better if the noble Viscount would not persist in proceeding so rapidly with the Bill.

The Bill read a second time.

HOUSE OF COMMONS,

Tuesday, March 29, 1836.

Minutes.] Bills. Read a first time:—School Rooms.

Petitions presented. By Messrs. Wilks and Stewart, from the Merchants and others of Pollockshaw, in favour of Mr. Buckingham's Claim.—By Lord Viscount Eastnor, from Worthing, for the Repeal of the Window-tax.—By Mr. Wilks, from the Protestant Dissenters of Cuddington, for Relief.—By Mr. Roper and Mr. Hurst, from various Places, for the Repeal of the Duty on Newspapers.—By Sir George Clerke, from the Farmers of Dalkeith, for the Repeal of the Duty on Clover Seed.—By Mr. William Williams, from Coventry, for Abolition of Duty on the Admission of Freemen.—By Sir William Brabazon, from Ballisakeery, for the Abolition of Tithes in Ireland.—By Sir Charles Brooke and Lord Charles Manners, from the Agriculturists of various Places, for Relief.—By Mr. Wigney, from Brighton, for Vote by Ballot.—By Mr. G. F. Young, from Tynemouth, against the Lighthouses' Bill; from Newcastle-upon-Tyne, for the Alteration of the Law regulating the Construction of Merchant Ships.—By Mr. Chalmers, from the Law Practitioners of Arbroath, in favour of the Instruments of Sasines' (Scotland) Bill.

CORPORATIONS. — APPOINTMENT OF MAGISTRATES.] Lord John Russell, in consequence of what had been said upon the subject in another place, moved that there be laid before the House a copy of a circular letter from the Under Secretary of the Home Department, dated in October last, and addressed to the Mayor or chief officer of any boroughs contained in the schedules to the English Corporations Bill passed last Session.

Sir *Robert Peel* said, the noble Lord had made the motion in the hands of the Speaker, partly with a view, he believed, that he might have the opportunity of soliciting from the noble Lord those explanations regarding the appointment of corporate Magistrates to which he had referred on a former day. He trusted, therefore, as he availed himself of the motion of the noble Lord, in consequence of an intimation that the present would be a convenient time, that he should not be thought by those gentlemen who had notices on the paper preceding his own, to have improperly interfered with the ordinary arrangement of business. The point on which he wished for explanations from the noble Lord referred exclusively to the nomination of Justices of the Peace under the Act which passed last Session for the Reform of Municipal Corporations. It was not his intention to make any remark on the general effect of that measure, other than as it related to the functions of Magistrates appointed for the performance of the duties of Justices of the Peace. He believed it was admitted by the noble Lord, and by all who took part in the question of Municipal Reform, that there was and ought to be a clear distinction between the ordinary municipal duties of a Corporation and the duties committed to Justices of the Peace. That clear distinction had been admitted by no man more fully than by the noble Lord. While that noble Lord had contended, that with respect to the appointment of town-councillors, and other members of the corporate bodies generally, it was but natural to suppose that the political opinions of the constituent bodies would have influence, while he contended that such would be the effect of political feelings in those cases, he had fully admitted that political opinions should not interfere with the appointment of the municipal Magistrates. This distinction had also been clearly drawn, he thought, in the Report of the Commissioners of Inquiry, on which the measure of Municipal Reform had been founded. The Commissioners, in this Report, deprecated the party spirit which pervaded municipal councils, in the following terms:—"The party spirit which pervades the municipal councils, extends itself to the magistracy, which is appointed by those bodies, and from their members. The Magistrates are usually chosen from the aldermen, and the aldermen are generally political partisans. Hence, even in those cases in which injustice is not absolutely committed, a strong suspicion of it is excited, and the local tribunals cease to inspire respect. The corporate Magistrates, generally speaking, are not looked upon by the inhabitants with favour or respect, and are often regarded with positive distrust and dislike." In another part of the Report the Commissioners say, "One vice which we regard as inherent in the constitution of municipal Corporations in England and Wales is, that officers chosen for particular functions are regarded as a necessary part of the legislative body. This notion appears to have originated in times when the separation of constitutional authorities was not understood; when legislative, judicial, and executive functions were confounded. The Corporations of England and Wales were originally framed on principles encumbered with this confusion, and have been modified, down to the latest changes, with a scrupulous observance of them." Thus the Report admitted the distinction between executive and judicial functions, and laid it down as a principle, that although party spirit could not be prevented from operating in the election of town-councils, it ought, so far as precautions could be taken, to be excluded from the appointment of municipal Magistrates. It was hardly necessary to attempt to enforce this position by argument, because he believed the truth of it was universally assented to on all sides of the House. He found on the part of the Members of the present Government, this doctrine admitted in full force. He found it stated by the Lord Chancellor in the course of the present Session, that the noble Lord, the Secretary of State for the Home Department, had but one object in view, namely, to correct any undue selection of town-councillors, when there appeared a preponderance of one class of political opinions on one side or the other, by infusing a few men of opposite political sentiments among them." The noble President of the Council also had stated with great truth and justice, that "good sense and good feeling would be equally manifested in the absence of all political bias in the selection of town Magistrates, and good sense and good feeling equally dictated that there should be an absence of all considerations of a political character in nominating these Magistrates when recommended to the Government." He (Sir R. Peel) could appeal, then, to the Report of the Commissioners, and to the declared opinions of the noble Lord opposite, and his colleagues, in proof that his assumption was a well founded one—

namely, that, as far as it was possible to avoid it, political feeling ought not to influence the nomination of Magistrates in corporate towns. Having thus stated the principle which had been laid down by Ministers, he was bound to tell the noble Lord opposite, that in many of these Corporate towns there did exist a very prevailing feeling that considerations of a political character had, nevertheless, been altogether excluded from the mind of the noble Lord in the nomination of many of these magistrates. This might probably be an erroneous impression; if it were, the noble Lord would thank him for the opportunity of removing so unpleasant an impression, by clearly stating the grounds upon which the various nominations had been made. The noble Lord would do him the justice to admit, that he had not brought forward his statement on this very important subject, without having given the noble Lord previous notice of the particular places to which it was his intention to refer. His object had not been to take the noble Lord by surprise, by making any statement on the sudden, but to enable him to give a satisfactory explanation, if he could do so, to those members of the community in the towns to which reference was about to be made, who felt dissatisfied with the appointment of the Magistrates in those towns, and who were under an impression, whether erroneous or not remained to be seen, that political feelings had been suffered to influence these appointments. It would be necessary for him to mention one or two instances, out of the many, of towns in which such impressions as those he had referred to, he had reason to believe, prevailed. Since the notice of his intention to call the attention of the House to this subject, had been given, he had received a number of communications from various places in reference to it, but he should only bring before the House those particular instances of which he had given the noble Lord notice. In the first place, he would take the town of Guildford, in Surrey; and he must say, that he could not at all reconcile the nomination of the Magistrates for that particular town with the principle which had been so clearly laid down by the noble Lord and his colleagues, to exclude, as far as possible, all political considerations from the nomination of Municipal Magistrates. In the town of Guildford it happened that the Corporation was decidedly of Conservative principles; that was to say, that the vast preponderance of numbers in the corporate body there entertained Conservative views. After the passing of the Municipal Reform Bill in this House, and during its progress in the Upper House, when the Lords had altered that clause of the Bill which gave expressly to the town-council the power of recommending four magistrates to the nomination of the Crown, the noble Lord opposite declared, and in his (Sir Robert Peel's) opinion rather unwisely, that it was still his intention to consult the town-councils in reference to the nomination of Municipal Magistrates. But, supposing that he were prepared to admit the noble Lord was right in taking the opinion of the town-council in reference to the election of four Magistrates, still he could not reconcile the fact of the selections which had been made, with the noble Lord's declaration that the recommendations of the town-council should have great weight with him, because it appeared to him, that while there were cases in which the recommendations of the Town-council had been admitted by an entire and unqualified assent, there were many others in which the recommendations of the town-council had been arbitrarily rejected. In the Corporation of Guildford, as he had before stated, Conservative principles greatly predominated. According to his information, the common-council of that town had recommended to the Crown twelve gentlemen for the Commission of the Peace, expecting that the noble Lord should select, from the twelve so recommended, a sufficient number, they being of opinion that twelve magistrates would be unnecessary for such a town as Guildford. Of these twelve gentlemen, as he had been informed, nine entertained Conservative principles, and the other three were Whigs. From these twelve gentlemen the noble Lord had selected four persons to act as Magistrates for the town, namely, the three Whigs and one of the Conservatives. The proportion (in point of political opinions) in which the town-council had recommended the names of gentlemen for Magistrates was as three Conservatives to one Whig; but the ingenuity of the noble Lord had led him exactly to invert this proportion, for in selecting four Magistrates from the twelve persons recommended to him, he had taken all the three Whigs, and only one of the nine Conservatives. Eight out of the twelve had been aldermen of the old Corporation; upon being told this fact, he had at first thought that the principle which the noble Lord had acted upon in this case was, that there being eight persons out of the twelve who had been members of the Old Corporation, and assuming, in accordance with his views of the ancient Corporations, that they must, therefore, be necessarily unpopular, it would be best to set all of them aside. This, however, could not have been the principle upon which the noble Lord made his selection; for, in fact, two of the gentlemen professing Whig principles, nominated by the noble Lord, had been members of the old Corporation, and that could not be the ground upon which the other gentlemen had been rejected. In this case a town-council, in which Conservative principles preponderated, had sent a recommendation to the Crown of a number of gentlemen, as town Magistrates, comprehending in the list a fair proportion of persons of Conservative and persons of Whig principles. After the observations of the noble Lord, on a former occasion, that he would attend to the recommendations of the town-council, it was surely matter of reasonable disappointment on the part of that Corporation to find the proportion of the recommendations they had sent in exactly inverted. So much for Guildford. He would next take the case of the town of Wigan, the circumstances of which case were precisely the reverse of the Guildford case; for in the Corporation of Wigan, Conservative principles were not predominant. He should adduce this case, however, for the purpose of showing that the same political feelings which influenced the choice of town Magistrates in Guildford, had operated in the choice of those for Wigan, for there he found that the Magistrates nominated were wholly of one class of political opinion—namely, Whigs; and those gentlemen of the town who professed other opinions, however respectable, were entirely excluded. For the town of Wigan eight gentlemen had been recommended to the Crown as Magistrates, all of whom were appointed. He did not for a moment wish to throw the slightest reflection on the personal character of any of these gentlemen, nor to impugn their individual fitness for the office; but he complained that the Government had departed from the principle which had been generally admitted, that political feelings should not be permitted to influence the choice of Justices of the Peace. Of these eight gentlemen, it appeared that four were actively engaged in trade. Now in a manufacturing town like Wigan, where constant disputes were taking place between master-manufacturers and their men, he doubted the policy of appointing four persons actively engaged in trade for the purpose of settling those disputes. At least he, from his experience, should have hesitated before making such appointments, particularly as it must be part of their business to enforce the provisions of the Act for regulating the hours of factory labour. He had also been informed, that seven out of these eight gentlemen were active friends of the candidates at the last election of representatives for that borough; that two of them acted as mover and seconder of the unsuccessful candidate, and that five were zealously employed upon the committees of one or the other candidate, and were, throughout the election, very busy in canvassing for them. In short that, with the exception of one gentleman, the whole of the present town Magistrates of Wigan were, during that election, most actively (no question most honourably) engaged in promoting the return of candidates who supported one class of political opinions. Here then, was a case in which the recommendations of the town-council were entirely assented to, apparently because the whole eight of the gentlemen named, were persons warmly devoted to those political opinions which were espoused by the Ministers. He had been further informed that an application had been made to the noble Lord, by petition, imploring him, upon principle, to pause before he made such a selection, and expressing a wish that there should be exhibited in the choice of these judicial functionaries a fair and less exclusive representation of the various political opinions entertained by the inhabitants of Wigan, but that representation had not been attended to. He would next take the instance of a town differently circumstanced, in which also there existed a very great dissatisfaction upon this subject. He would take the case of the town of Rochester. In this town parties were very nearly balanced in the municipal council, for there were nine gentlemen professing one class of political opinions, and nine professing another. Indeed, such was the perseverance with which each party adhered to their respective opinions, that upon repeated divisions in the attempts to elect a mayor and other corporate officers, and finally to adjourn, the numbers on every proposition remained nine for, and nine against, and no proceedings could take place, because the parties were equal. Under these circumstances, it was determined not to recommend to the Crown any list of persons for town Magistrates till the town-council was complete, and they could concur in a joint representation. The complaint against the noble Lord in this case was, that he had appointed certain persons to be Magistrates, not merely favouring gentlemen of one class of politics or another, but without even the recommendations of the town-council, that he had, in short, appointed Municipal Magistrates for Rochester, at the nomination of the hon. Representatives of that borough in Parliament. It was not stated that the whole of the six magistrates so appointed were of one party, but the proportion in favour of Ministers was not fewer than five to one, and there was, very naturally, a great feeling of dissatisfaction in the minds of the people of Rochester, that the noble Lord should have taken this step without waiting till the town-council was complete; and that having determined to take it, seeing the division of opinion in the town-council, he had not observed a corresponding proportion in his appointment of their municipal Magistrates. The proportion of political opinion in the town-council was closely balanced; the proportion observed in the selection of Magistrates was exactly five Whigs to one Conservative, which was fairly carrying out the principle which the noble Lord and his colleagues had avowed. There was another place in which he could undertake to say, very great dissatisfaction prevailed upon this subject—the city of Coventry. In this important and populous city, whose inhabitants were extensively engaged in manufactures, the political opinions of one class decidedly predominated; nearly the whole of the town-council entertained political opinions corresponding with those of his Majesty's Ministers. The town-council of Coventry, accordingly, sent up a recommendation of twelve persons for town Magistrates, and he (Sir Robert Peel) was assured that out of these twelve persons, eleven, at least, entertained opinions corresponding with those of the town-council. It was very possible, when he spoke of Conservative opinions and Whig opinions, or any other class of opinions, that the noble Lord might ask how he defined such opinions or how he could undertake to say such and such Gentlemen entertained such and such opinions? He admitted, that it was somewhat difficult to apply an unerring test on these points, but, in order to approach at something like a solution of the question, he would ask how the respective parties voted at the preceding election? He was quite ready to admit that it was difficult—particularly for a stranger, acting merely upon communications, however trustworthy—to feel assured of the political opinions of any individuals. Trifling circumstances led men to range themselves under the banners of one party or the other and men changed their opinions and their parties, so that it might happen that occasionally opinions should be attributed to a person who had long ceased to entertain them. But as far as the fair and impartial administration of justice and the satisfaction connected with it was concerned, it must be admitted, that when it was found that the whole of the Municipal Magistrates who had been appointed by the noble Lord, or at least a vast majority of them, consisted of the particular persons who, at the last or the preceding election, gave their votes in a particular manner, favourable to the noble Lord's views, this was certainly a near approach to a test which might be depended on. The noble Lord, at least, must not be surprised that his course of proceeding excited in that part of the population which held different political opinions something like a feeling of distrust. He would repeat, that in the observations he felt called upon to make, he had no fault to find with the individuals appointed—he made no personal objection to them. His complaint was directed, not against any personal unfitness of theirs, but upon the partiality which characterized their appointment. Of the twelve Magistrates for Coventry, eight had votes for the city, and the whole of them had voted in favour of the sitting Members. The other four had not votes for the city; but one of them, a gentleman of high respectability, Mr. Gregory, was an unsuccessful candidate on the Whig interest for the county of Warwick at the last election. Another of the four gentlemen, the Mayor of Coventry, was Mr. Gregory's proposer on that occasion, and the other two had been actively engaged in his support. Such was then the composition of the Municipal Magistracy of Coventry, although it was well known that in that city, various political opinions prevailed. There were in that town men of the highest respectability and influence, of different political opinions, but who were persons of one class of political opinions, and that class the one in unison with the views of the noble Lord. Such were the grounds of the dissatisfaction which was felt in the city of Coventry at the proceedings of the noble Lord in this respect. He would next take the case of the town of Leicester. The number of the Magistrates here was ten, and he was informed that of these ten, eight were actively engaged upon the committee of Messrs. Ellice and Evans at the last election, in opposition to Messrs. Goulburn and Gladstone, and that not one of the ten voted for either of the latter gentlemen. It certainly did appear from these cases, in the absence of all explanation, exceedingly difficult to suppose that political considerations had nothing to do with these nominations. The noble Lord, at least, must not be surprised, unless he could explain the matter satisfactorily that those who were excluded should feel some distrust in the elected, and some suspicion—not founded upon personal unfitness, but upon the fact that they all, with trifling exceptions, held one class of political opinions, and had all, at one time or another, been actively engaged in promoting the election to Parliament of persons who supported the present Ministry. Another case he should speak of was that of Plymouth, where eight gentlemen had been recommended to the noble Lord as Magistrates, and were appointed. Of these eight, it appeared that two were the Representatives for the town, both supporters of the Ministers, and of the others, five were actively engaged in supporting the noble Lord at the election for the county of Devon. The sixth gentleman had declined to act. Thus it appeared that the seven town Magistrates of Plymouth were all of one class of political opinions. There was another point to be remarked upon in this case. It had been expressly laid down by the noble Lord as a principle to be observed, that neither attorneys nor brewers should serve as Magistrates in the municipalities, yet it appeared, not merely from private communication, but from the returns made by the noble Lord, that one of the town Magistrates of Plymouth was Mr. James King, a brewer. It remained to be shown upon what principle the noble Lord had made this exception to the rule the noble Lord had laid down. The last case to which he (Sir Robert Peel) should refer, out of the more prominent and important towns in which dissatisfaction prevailed upon this subject, was the case of the city of Bristol. In the corporation of that city, he believed conservative opinions greatly predominated, and the vast majority of the inhabitants of the city, were equally imbued with Conservative opinions. Notwithstanding this predominance, there was in the town-council a complete agreement as to the choice of names for Magistrates, and there was evinced an earnest wish—much to the credit of both parties—to exclude all electioneering or party feelings from the selection of town Magistrates, and though one class of political opinions was greatly predominant in the city, yet the prevailing party expressed a perfect readiness to exclude all political feelings and influence from the consideration of who should be recommended as Magistrates. A discussion took place in the council respecting the nomination of Magistrates: the two parties made some difficulty at first as to the principle on which the recommendation should be given; an amicable arrangement was at last effected; and it was agreed that each of the two parties should recommend twelve persons for Magistrates, making an aggregate of twenty four. The twelve names given in by the Conservative party were recommended unanimously by the town council. There was no division respecting any one of those names, nor any dissenting voice, with one single exception, raised to any one of them. There was some question upon individuals among the twelve gentlemen recommended by the other party, but upon the whole, the twelve so recommended were assented to by the council, and the whole twenty-four names, in consequence of this amicable and honourable compromise, were sent up to the noble Lord for selection. What was the surprise and indignation of that predominating party in Bristol who had consented to this arrangement, to find that the noble Lord's selection had been conducted on this principle—that he took the whole of the twelve who had been recommended by the party whose opinions were in unison with his own, but excluded not less than six out of the twelve, named by those of the opposite party. He was at a loss to understand upon what principle the noble Lord could justify his exclusion of the other six gentlemen. It was supposed by some persons in Bristol, that the exclusion was on account of the parties having been members of the old corporation; but this could not be a valid reason, for it was shown that, in many cases, the noble Lord had not made the fact of parties belonging to the old corporations a ground for excluding them from the magistracy. It might, perhaps, be thought, that the reason for the exclusion of some of these parties was, that they had been members of the corporation at the time when the lamentable riots took place at Bristol, in 1831. But neither was this the reason, for it appeared that two of the gentlemen of the Whig party, who had been appointed as Magistrates, had also been Magistrates of Bristol, at the deplorable period in question. Mr. Bengough was one of the gentlemen so circumstanced. Two, also, of the gentlemen selected from the Conservative list were acting as Magistrates of Bristol at the time of the riots; so the exclusion of the others could not have been upon either of these grounds. Some of the gentlemen excluded were men of the highest station and respectability. One was Mr. Daniel, a gentleman of such high character and worth, and who was so highly esteemed and respected by every one, that both parties had concurred in electing him as the Mayor of Bristol. Upon what principle was this gentleman excluded? Some one suggested the advanced age of Mr. Daniel; but this could not be the ground, whatever his age might be. In the cases of persons in Rochester and other places, the noble Lord had not considered age as any exemption from corporate office, and this could not, therefore, be made a ground of exclusion in the present instance. He had thus gone through a variety of cases, and he conceived them to be amply sufficient to entitle him not to complain of the acts of the noble Lord, but, at least, to call upon him for some explanation of the principles upon which he had proceeded in these nominations. When he found that in every case stated—and there were very many others of a precisely similar character—the noble Lord's preference had been given to persons holding his own political opinions, to the exclusion of the best founded claims on the part of persons holding other opinions, he could not but think that there had been a complete departure from the principle that, in these selections, political considerations should have no influence. There could be no argument in defence of these proceedings, founded upon what might have obtained under the old Corporation system. The precise object of Municipal Reform had been, to do away with all such abuses, and it would, therefore, be no justification of these nominations, to say, that in the late Corporations appointments were made upon a similar principle; Corporation Reform was intended to put an end to all such proceedings, and to give the inhabitants of towns and cities full security that the administration of all their affairs, particularly the administration of justice, should be put upon an entirely pure and impartial footing, and that all political feeling and party spirit should thenceforward be excluded from the administration of municipal affairs, so that all classes might have the fullest confidence in the persons to whom the administration of their affairs should be intrusted. Nor would it be any answer to say, that in the case of county Justices of the Peace, one class of political opinions predominated. Hon. Members, on the other side of the House, often made statements as to the too exclusive character of the political composition of county Magistrates, but whatever might be the case in this respect, it formed no grounds for another party adopting a similar plan of exclusion in the case of the town Magistrates. If there were grounds for complaining of the selection of the county Magistrates, it was clear they had no right to attempt to counterbalance it by instituting a similar line of exclusive appointments in the towns. He need not refer to theory upon this subject; he had but to refer to the Report of the Commissioners, and the statements of the noble Lord and his colleagues, to affirm his position, that there was a distinction between the executive office and the judicial, and that as it seemed impossible to exclude political feelings from appointments in the former case, they ought, at least, to be excluded from the selections in the latter. He had stated a few cases which were at variance with this principle, and if the noble Lord could give a satisfactory explanation upon the subject to those parties who desired to see a pure and impartial administration of justice in the cities and towns of England, his object would be more advanced, than if the noble Lord were to fail in giving that satisfactory explanation.

Lord *John Russell* said, he certainly would much rather the right hon. Gentleman brought the subject under the consideration of the House, than that the charge, conveying an imputation on his Majesty's Government for the manner in which they had selected Magistrates under the Municipal Corporations Act, should be made where he had no opportunity of giving an explanation. With regard to this question of the appointment of Magistrates, it would be recollected by the House, that the first Bill introduced on the subject of Corporations provided, in conformity, as he and his colleagues thought, with the principle of the Report of the Commissioners, not certainly that a portion of the councillors of these municipal boroughs should themselves be the justices, but that the two powers should not be totally disjoined; and in order to give confidence to the inhabitants of the towns in the administration of justice, that the persons nominated to be placed in the commission of the peace should be persons who had been previously recommended by the town-council. That principle, up to the end of the discussions which then took place, he thought the most favourable to govern the nomination of the Magistrates. When the Bill was last in the House, when the amendments of the Lords were last discussed, it would be remembered that he stated, in conformity with what he understood, and with what, as was understood by friends and colleagues of his, had been stated in another place by those who framed and supported the amendment, that it would be as competent to the Crown, after the amendment was carried, to take the advice of the town-councils as it was for the Lord Chancellor to take the opinion of the lords-lieutenant of counties. It was partly on the faith of that declaration of his that a great majority of this House, who thought the virtue of the Bill had been a good deal impaired by the alterations, consented to adopt those amendments; that majority expecting that in the beginning, at least, the clause would be acted on in the spirit of the clause as it had been sent up to the Lords, and not as it had been amended by their Lordships. Holding, then, to the opinion which had been declared by his Majesty's Ministers when they first introduced the English Municipal Reform Bill—holding also to the opinion which had been expressed on it by the House of Commons—holding, likewise, to the assurance which he had given to the House in order to insure its agreement to the amendments, he thought it necessary, in October last, to direct the Under-Secretary of State to write a circular to the chief officer, town-clerk, or town-council of the different boroughs contained in the schedules of the Municipal Reform Bill. That letter, after mentioning the precautions which such officers were to take in order to give due efficacy to the machinery of the Bill, concluded in these terms:—"I am likewise to request, that in case your borough is in schedule A of the Act, you will make it publicly known to the new council that any recommendation which they may think fit to make of persons qualified to be intrusted by his Majesty with the commission of the peace for the borough of which they are the governing body, will have its due weight with the advisers of the Crown." He directed these terms to be used, because he thought, while on the one hand they invited the town-councils to do that which was not strictly within the letter of the Act of Parliament—while they invited the town-councils to recommend persons who were fit to be Magistrates, they at the same time would reserve to the Crown the whole right and power of considering those recommendations, and of determining whether the persons so recommended by the town-councils were individuals who were fit to be recommended to his Majesty for the administration of justice in the various local districts. Acting as he conceived, in the spirit both of the Bill as it was originally introduced, and of the intentions of the House of Commons, as they were declared, he wrote for those recommendations to be made, not—as it had been most absurdly asserted by some, who must have been very careless in the inquiries they made on the subject—after knowing the result of the municipal elections—not while the town-councils were flushed with victory—but when he must have been totally ignorant of what might be the fate of the elections, and whether the great and overwhelming majority might not be of what the right hon. Baronet called the

Conservative party. Therefore, any assertions of the kind he had mentioned, however countenanced by an address carried in the House of Lords for any circular letter sent from the Home-Office on this subject in January last, were founded on a total misrepresentation and perversion of the conduct which his Majesty's Government thought fit to pursue, and, he must add, that such misrepresentation and perversion might have been avoided simply by the care of looking into the London or country newspapers of the time to ascertain the date of the circular. Well, then, the period having arrived when these elections had taken place, the town-councils of the various boroughs began to consider as to the recommendations which they would make to the Crown. So soon as some of these recommendations had arrived, it struck him the number of the individuals selected and recommended by the town-councils for Magistrates being very disproportionate, that he might adopt some rule as to them which would serve as a guide. He, therefore, sent for Mr. Blackburne, who had acted as the chief of the commission, and asked him whether, in his opinion, it was right to fix any limit to the number to be recommended? Mr. Blackburne told him that he thought it right to have a scale according to the populations of the different towns. He would not, however, advise such a scale to be strictly and invariably adhered to, but it might be adopted rather with a view to their convenience in fixing the number which might be fit for any particular town. The object was, that in general a certain number should not be exceeded. He would now show the House the nature and good sense of the recommendation of Mr. Blackburne. He had soon occasion to consider the representations received from some sea-port towns. In those representations it was stated, that several of the persons recommended were for a certain time absent from the town, and as they could not, like inland places, have the continued services of persons in constant residence with them, if a fixed number had been adopted by the Home-Office, they expressed a hope that there would be given to them a larger number of Magistrates than was allowed usually. He thought that a very valid reason. Now, with respect to the places which the right hon. Gentleman had fixed on as the subject of his observations; the first was Guildford, and there he said the recommendation included nine Tories and three Whigs, but his Majesty's Government had contrived to alter the proportion, by selecting the three Whigs and only one Conservative. This statement proved to him the difficulty, which the right hon. Gentleman had himself suggested, of fixing a particular designation of politics upon a particular person. He would give an instance of this difficulty. He did not see the hon. Member for Exeter in his place, but he was sure, as far as concerned him, that he would not dispute what he was going to state. The case of Exeter was not a single instance, but was one out of twenty or thirty. He was informed by his friends there, of whom he had several, being intimately connected with that neighbourhood, that there were some persons whom they wanted to be nominated by the town-council, who were rejected; of this rejection they somewhat complained, though they admitted it was difficult to remedy; but they said there were one or two persons who in their politics were so violent against everything liberal, that it would be a great mortification, and a source of considerable dissatisfaction to the whole of the Liberal party, if they were selected by the Crown as individuals to be placed in the commission of the peace. Now with respect to one of these names—there were about two, or there might be three—having had occasion to ask the hon. Member for Exeter what he thought of the recommendation of the town-council, as he had been told it contained some names that were exceedingly obnoxious, and that altogether it was not a fair list—the hon. Gentleman showed him a private letter he had received, in which he was informed, that in the opinion of his friends the list was a fair one, and there the person whom the Whig and Liberal party designated as so particularly obnoxious a Tory was marked down among the Liberals, or Whigs. This showed that it was not safe to say, that an individual belonged to a particular party, and was disqualified on that account to act in the commission of the peace. He was sure that their names and designations often depended more on the opinions of those who gave them than on the sentiments of the individuals themselves. He frequently saw one whom he should call a moderate Whig described by the Conservatives as a decided Radical, and by the Radicals as a no less decided Conservative. In the case of Guildford there were several gentlemen who wished some individuals to be nominated Magistrates who had not been recommended by the town-council. It was earnestly desired that he should recommend to the Crown two persons in particular, of the highest respectability he believed them to be, and if they had been appointed he dared to say, that they would have discharged their duty with ability. He did not doubt their qualifications, but he refused at once to acquiesce in the proposal, because out of the twelve named by the town-council he found four who were perfectly well qualified for the office. He was told, on inquiring of several persons, that of the four named, two were Reformers and two were moderate Tories. That was the case in which the right hon. Gentleman said he had named three Whigs and one Conservative. He might accumulate instances of this kind till midnight, but he had surely stated enough to show that in their attempts to fix the designations of party, it was not safe to rely on the representations made by adversaries. Relying on the representations he had received, he believed that he had selected two on each side. He had no doubt they were all respectable men, but it did so happen, that amongst the others, there were some who were passed over because they were attorneys, and as attorneys intimately connected with the political elections of the borough [*"Cheers."*] That cheer reminded him he should state here, that it had been his rule, as the right hon. Gentleman said, generally to exclude attorneys and to exclude brewers. There were two reasons why he excluded attorneys; one was, that they usually had a great number of clients amongst the inhabitants of the borough, and therefore, they were liable to more suspicion; the other reason was, that they were often the conductors and managers of all the political elections of the town. With respect to that rule, he had departed from it in several large instances, but as regarded the appointment of attorneys, who were agents of a political party, he knew of only two instances in which he had departed from it. One was in the case of Chichester, the individual having been recommended by a noble Lord who often, he might say usually, voted against the Government. The other case was that of Leominster. The person appointed there, was recommended by another noble Lord who always voted against the Government. Perhaps some would say that he went too far in appointing those gentlemen, but he did so only on receiving the strongest testimony as to their respectability. He believed the representations of those noble Lords; he was sure they would state nothing but what they believed to be strictly true; but in making an exception of that kind in favour of a person so earnestly opposed to the Government in politics, he surely afforded something like a proof that he had not settled this arrangement for the appointment of these Magistrates with a view to serve any political views of his own. The view which he took with respect to the political opinion of the majority was, that he ought certainly, in general, to attend to the recommendation of the town-councils; but when, owing to the council being equally divided, they had no opportunity of making a particular recommendation, he thought he had a right to the selection; or when, from affection, or from any other reason, the council had named only those who were of their own particular party, he felt that he ought to endeavour to place on the commission persons of different political principles. He had acted on that principle with regard to Liverpool; he advised the Crown to put into the commission five gentlemen who were recommended to him, and who were described as individuals who were not of what were called liberal principles. In the case of Hull, a long list was sent to him which did not contain one person of Tory politics. He appointed here two gentlemen who, as he was told, were certainly moderate in their views, but they were decidedly Conservative. In the Leeds list there was only one gentleman whose politics were Tory; he added to that one three others. To the list from Newcastle-on-Tyne, he added the late Mayor, a person, he believed, of great respectability. There were certainly some cases in which all the Magistrates appointed belonged to one party, there being no individuals of the other party named by the town-councils and he had not been able to select any others; but he believed, that in all instances the individuals were of great respectability, and fully qualified for the duties which would devolve on them. Among the places named by the right hon. Baronet, there was also Wigan. Having received a remonstrance as to the manner in which the list from that town was composed, he sought particular information as to each of the individuals, and being assured of their respectability, he did not feel himself justified in rejecting them. He, however, desired inquiries to be made with respect to some other gentlemen who were named to him as persons whom it was desired to see appointed. As regarded Rochester, he received the recommendation of a large body of persons, supported by one of the Members of the town and one of the Members of the county, who assured him of their respectability. This was a case in which the town-council being divided, had made no recommendation whatever. Therefore, he thought himself fully at liberty to recommend to the Crown persons who were perfectly qualified to keep the peace, and to administer justice in that borough. If the time should come when the town-council would be able to act, he should be ready to attend to any recommendations which they might forward. The right hon. Baronet said, that in Coventry the Magistrates were all of one mind on political subjects. One of the Members for Coventry came to him at the Home-Office, and said, he believed that the persons named were all fit individuals to be in the commission of the peace; but, with respect to the last three or four on the list, as to their being men who entertained liberal political opinions, he could assure him that they were not. They did not, at all events, vote for that hon. Gentleman; the hon. Gentleman told him that they had voted against him, and in favour of the Tory candidate. If, then, they did not vote for the hon. Gentleman, and voted only for his right hon. Friend, it was evident they desired to keep open one of the seats, to allow one gentleman of the politics of the right hon. Baronet to be returned as representative for Coventry. Let him not be told, then, that these individuals were violent partizans. Let him not be told, that they were exceedingly liberal in their politics, when, there being two candidates in the field, two were supporters of Ministers, and two were supporters of the right hon. Gentleman, they did not vote for the two supporters of Ministers, but, having given one vote on one side, neutralized it by giving another vote on the other side. They might be liberal men—they might be very good men as politicians, but surely they were not such violent or ardent partizans that they ought to be excluded from serving as Justices of the Peace. The right hon. Baronet made a complaint that the Magistrates for Leicester were all partizans, but he had been assured they were all men of great respectability. Then, as regarded Plymouth, he knew nearly all those gentlemen, and they were, he admitted, all of them, with the exception of Mr. Woolcombe, supporters of his, and decidedly liberal in their politics. He was perfectly satisfied as to their respectability, and knew that they were fully qualified for the duties intrusted to them. [Sir *Robert Peel* did not question the respectability of those gentlemen.] It appeared to him that unless that were questioned, there was no point in dispute, for surely the right hon. Baronet could not object to gentlemen being put in the commission of the peace, because they were not amongst his supporters. The Magistrates of Plymouth were all respectable men; he had made inquiries and satisfied himself that they were so, and the right hon. Baronet now declared that he did not raise a question on that subject; their respectability therefore was to be taken for granted. He was not prepared to say, that the Magistrates of the towns any more than the Magistrates of the counties should be all of one side in politics on the contrary, it was better he should say that they should not be; but at the same time having declared that he would give great weight to those recommendations of the town-councils; having admitted they were competent to recommend, he would not set himself up as a superior judge, and say—" It is true you have recommended respectable men, I know them myself, and I know that justice will be safe in their hands; I know that no political bias will tempt them to swerve from the line of their duty; I know that they will be just, though in being so they must act against their political inclinations; still I am not satisfied, and I ask the town-council to give me men of different opinions, and you must choose between Tory, Whig, and Radical, so as to furnish me with a fair compound of the whole" If he had said this, or anything like this, to the new town-councils, he would have imposed too hard a duty upon them; and even when they had performed this hard duty, he should have been told, as he was at present, that those he had put into the commission were Whigs, when they were not Whigs—and were Conservatives, when they were not so. Therefore it was that he thought the advisers of the Crown were not bound to look at the politics of the individuals recommended to them as fit for the magistracy, nor to examine how each and all of them voted at the last or at any preceding election. If the advisers of the Crown were to make such examination, he did not know how they would be able to obtain security that the parties at the present moment entertained the same opinions which they had professed to entertain at the last election. There were among the representatives of the people many who had professed exceedingly liberal opinions at the last election, and who, since that time, had not been found acting in that House as the majority of persons professing liberal sentiments had a right to expect. Might there not be amongst the constituents of those representatives, men of the same sort—men who, because they had given a particular vote on a particular occasion, or because they had taken a certain part in some local affairs, had been set down as the partizans of strong political opinions, and yet had no strong feeling either one way or the other? [Sir *Robert Peel:* The brewer at Plymouth.] Yes, there was a brewer of the name of King appointed a magistrate at Plymouth. By the mode in which the right hon. Baronet reminded him of that circumstance, it appeared as if the right hon. Baronet took it for granted that he must be quite indefensible in appointing a brewer a Magistrate. The first case in which he had objected to the appointment of a brewer as a Magistrate was at Portsmouth. And no sooner had he made known that objection than he received a letter from the hon. Member for that borough, stating at considerable length the reasons why he thought it wrong for him, after the pledge which he had offered to the House of Commons, and also to the town-councils, to make the circumstance of an individual being a brewer a disqualification for the magistracy, especially when he was recommended as a fit person for it by the town-council, and when there were particular reasons why the town should repose confidence in his integrity and ability. In consequence of the representation thus made to him, he had inquired further into the matter, and the result was, that he had put a brewer into the commission of the peace at Portsmouth. There came into his department, subsequently, other cases of a similar description. In some of them he did not exclude the brewer from the magistracy, in others he did. He did not exclude a brewer from the commission of the peace in Plymouth; and when the noble Lord, the Member for King's Lynn, (Lord G. Bentinck), who did not usually vote with Ministers, applied to him to insert in the magistracy a brewer of that place, he wrote back to him that he did not think it right, as a general rule, to insert the names of brewers in the commission of the peace, especially as there were several cases in which the law expressly excluded them from acting as justices; but that if the brewers of King's Lynn were, as he represented them, the leading men of the place, he would not exclude them from the magistracy on that account, if they were otherwise respectable and intelligent men. He had acted upon his rule with regard to brewers as he had upon his rule with regard to attornies, making exceptions to it whenever a special case was stated to him, or whenever a special recommendation of the individual was brought under his consideration. He had excluded a brewer at first from the magistracy, but when he received a strong recommendation of that individual, assuring him that he was looked up to with respect and confidence by men of all parties—that he had already been five-and-twenty years in the commission of the peace, and that everybody relied with the utmost confidence upon his impartiality in the administration of justice, he felt that a case was made out for the relaxation of the rule which he had adopted with respect to the exclusion of brewers from the magistracy. He came now to Bristol, and there the right hon. Baronet said, an agreement was come to by which one of the parties chose twelve, and the other chose twelve. He was not aware of any such agreement; he was never informed of it. He certainly did receive a great number of letters respecting the appointment of magistrates for Bristol, but none of them stated that fact. Of course, any person in his situation, as well as any person in the situation of a Lord-Lieutenant, when any person was recommended as a magistrate, must go to some one or other, in whom confidence was placed, to consult them as to the individual in question. And the right hon. Baronet would think it strange, no doubt, if he went and took the opinion of a person with whom he was not acquainted, or in whom he had not confidence. The conclusion to which he came upon the information he received with regard to Bristol was, that there were many of the persons recommended holding Conservative opinions who were proper individuals to be placed in the commission of the peace; but that against others there were reasons which were entitled to considerable weight. It would be disagreeable, it would be invidious, were he, with respect to Bristol, and in other cases, to state the circumstances affecting the individuals which induced him to pass over their names. He could not do so without entering into particulars with respect to those of Liberal as well as Conservative politics, which, though they would reflect no dishonour or disgrace on the parties, would nevertheless not prove a fit subject for public discussion. But as the right hon. Gentleman had mentioned, in particular, the case of Mr. John Daniel, he begged to be allowed to say a word in explanation of that matter. He had been informed that Mr. Daniel had, on several occasions, publicly declared that, at his present age, he found himself unequal to the conduct of public business, his memory having so greatly failed him that he could no longer rely upon it. That appeared to him to be a sufficient reason for not including Mr. Daniel in the arrangement which was to be made. His wish was, to appoint persons who were able to undertake practically all the duties of a Justice of the Peace; and he therefore did not think it advisable to put into the Commission, particularly when he had a choice of twenty-four, a gentleman who, perhaps, in the course of three or four years, would be quite unable to perform the magisterial duties of so important a district. Such were his reasons for the course he had taken with respect to the places to which the right hon. Baronet had alluded. It was a source of great satisfaction to him, that there were only eight towns that were made the subject of complaint; the number of magistrates appointed, according to the account presented to Parliament, being not less than 428; and there having been appointed since as many as 200 or 250 more. He would not pretend to say, that there had not been any persons omitted who ought to have been placed in the Commission, or that there might not have been some individuals appointed who had not the discretion, judgment, and character, which entitled them to such a position; but he could say, he did believe that on the whole this list of, perhaps, 600 and more Magistrates, was a list of respectable and intelligent men. It was certainly a list of which the majority entertained liberal politics, but he believed them to be individuals who would not allow their politics to prevent them from doing their duty as Justices. He would not say a word in disparagement of the Magistrates of counties, or of the manner in which the Lords-Lieutenant of counties had exercised their discretion. He entertained a high opinion of the county Magistrates, and thought that the discretionary power was not altogether ill-placed in the Lords-Lieutenant; but he would again say, he did believe that the Magistrates of the towns would be found as intelligent and as able, well and honestly to administer justice as the county Magistrates were known to be. He would conclude by saying, that he was far from thinking that anything which the right hon. Baronet had stated in the course of his speech had shown that there had existed on the part of the advisers of the Crown the least disposition to sacrifice the ends of justice for the sake of their own political purposes.

Sir *Richard Vyvyan* said, that the noble Lord, the Secretary of State for the Home Department, had risen for the purpose of replying to the speech of the right hon. Baronet, the Member for Tamworth. How had the noble Lord replied to the allegations and the arguments of his right hon. Friend? Many points had been alluded to by the right hon. Baronet to which the noble Lord had, it seemed, felt it unnecessary even to advert. He had not touched upon the case of Leicester. [Lord *John Russell*:—Yes I did.] The noble Lord had just mentioned it, and passed it over with the most becoming delicacy. What was the explanation of the noble Lord with respect to Bristol? The case of Bristol was the strongest that had been alluded to that evening; and he felt assured that neither the House nor the country would feel satisfied with the explanation which the noble Lord had given. He was sure that the noble Lord had stated nothing to satisfy them why a gentleman of the greatest respectability should be set aside in order to make way for some person of opposite political opinions. He had hoped, that when the noble Lord had stated that he had made that sweeping recommendation to the Crown, with respect to the appointment of Magistrates, that the noble Lord would have been able to show that, in this respect at least, he and his colleagues had lain aside that spirit of party which, most unhappily for the country, had too long prevailed in that House. When the noble

Lord rose to defend his conduct, he had expected that the noble Lord would have taken larger and more extensive grounds, and that he would not have shrunk for a defence into the circumstance, that in one place or another some Conservatives had been appointed. He had listened with attention to the speech of the noble Lord, and he did not appear to have answered the allegations in any respect which had been made against the conduct pursued by the Home Office in the appointment of Magistrates. The noble Lord stated that in regulating the number of Magistrates, they had been influenced by a consideration of the extent of the population of the place where the Magistrates were to exercise their functions. Now, how had the Government followed out this principle which they declared they had been guided by? In Bath they had appointed sixteen Magistrates to a population of fifty thousand. In Bristol twenty-four was the number named by the town-council, and eighteen was the number appointed by the Government to a population of a hundred and four thousand persons.

Lord *John Russell.*—The hon. Baronet is mistaken as to Bath. The number of magistrates appointed to Bath is twelve.

Sir *Richard Vyvyan.*—That would not justify the noble Lord, for if the principle of regulating the number of Magistrates by the extent of population were to be admitted, if they gave twelve Magistrates to a population of fifty thousand, they ought at least to have allowed twenty-four Magistrates to a population of a hundred and four thousand. Independent of population, there were many other circumstances which entitled the city of Bristol to greater consideration. It had much more business than Bath—it was a great commercial town, it was a seaport, and a place of considerable local importance. The conduct of the noble Lord with respect to Bristol, and the absence of any satisfactory explanations, made it incumbent on him, as the Representative of Bristol, to rise in his place, and protest against the proceedings. He felt it necessary to allude to what had taken place in the case of Mr. Alderman Daniel. He had hoped that the noble Lord would have been able to give some satisfactory, or something approaching to a satisfactory, explanation on this point. The noble Lord had stated, that he objected to Alderman Daniel not on account of politics, but because he was too old to discharge the functions of a Magistrate in so extensive a place as Bristol. Now, what were the facts? Mr. Alderman Daniel had been chosen by the corporation to be mayor of Bristol; that appointment was received with general satisfaction; and had not been carried into effect, merely because he himself had declared his own resolution to retire. To be chosen mayor over a population of one hundred and four thousand persons was no proof that, in the opinion of his fellow-citizens, he was unfit to discharge Magisterial functions. Mr. Alderman Daniel had been called the father of the corporate body in Bristol, and he could only look upon the refusal of the noble Lord to confirm his appointment as an evidence of the resolution of the noble Lord to make him out as one of those who were to be visited with the vengeance of the Government for having always consistently pursued a certain line of political conduct. The noble Lord had said, that he was in communication with many individuals connected with Bristol; would he inform the House who those individuals were? [*No, no.*] Would then that noble Lord inform him, whether he was or was not in communication with the officers of a liberal association formed at Bristol? Would that noble Lord inform that House why he had taken twelve individuals of decided politics one way, and rejected six individuals who were supposed also to entertain opinions of a contrary tenor, being at the same time persons of the greatest respectability? Respecting Mr. Daniel, it had been urged that he was too old to fill the office of Magistrate; and yet the noble Lord had appointed at Norwich, a Colonel Harvey, who was eighty-three years of age. But the noble Lord was well aware of Mr. Daniel's politics; he knew well that the gentlemen of Bristol had a considerable influence over their fellow-citizens, and that it was one of the few large places where there was a Conservative town-council. It was the only place almost in the kingdom in which the principle which the noble Lord wished to see carried out in the Municipal Corporation Bill had not been carried into effect. It was the only place in which democratic, or, as they were now generally called, liberal principles, were not so completely predominant as they were at that moment elsewhere. When the original opposition to the appointment of Mr. Daniel was made by the Government, it was thought useless to offer any obstacle to its path; and Mr. Fripp was elected in the place of Mr. Daniel, without opposition, and, indeed, by the unanimous voice of the town-council. But the noble Lord could not forget that Bristol was an offence to him, and to all with whom he was associated in the Government in the year 1830. What had occurred in the course of the trial connected with the riots at Bristol in that year? Why, a special verdict in favour of the then mayor, Mr. Pinney, who had been prosecuted at the suggestion of his Majesty's Government. In the year 1834 (towards the close of that year), when Lord Melbourne was at Derby, or some other central town, he received a deputation, which waited on him for the purpose of offering their condolence on his quitting office. In his reply to that address, the noble Lord spoke of Reform, and said that Municipal Reform was one thing which was wanted, because it was clear that the conduct of the Magistrates of Bristol rendered it necessary, the fact being, that previously to this occurrence, a verdict of their countrymen had acquitted the Magistrates of Bristol; and that acquittal certainly carried with it the conviction of those who were connected with the Home Department, of the grossest inattention to the preservation of the peace of the country, and particularly to that of the city of Bristol; of a grosser inattention on these points than could have been well conceived. Perhaps it was not necessary for him to go further into this particular matter, and he was not desirous to bring forward questions of by-gone politics; but this determination on the part of the noble Lord in the case of Bristol, to place in the situation of Magistrates a majority of those whom he thought devoted to his interests, or rather to the interests of his Government, rendered it necessary that the Representative of that city should rise in his place in that House, and protest against the course which had been adopted by the noble Lord. In reference to the lists which had been forwarded, a division took place in the Council upon three individuals who had been named, who were known to be men of what were termed liberal opinions, and yet they remained on the roll of Magistrates. Now it should be recollected, that in the Report of the Commissioners on the Municipal Corporation Bill, the Commissioners said:—

> "The party spirit which pervades the municipal councils, extends itself to the Magistracy which is appointed by those bodies, and from their members. The Magistracy are usually chosen from the aldermen, and the aldermen are generally political partisans. Hence, even in those cases in which injustice is not absolutely committed, a strong suspicion of it is excited, and the local tribunals cease to inspire respect. The corporate Magistrates, generally speaking, are not looked upon by the inhabitants with either favour or respect, and are often regarded with positive distrust and dislike."

Had the noble Lord acted upon that principle? Had he not rather acted as a partisan, by admitting politics to interfere with the high and important functions with which he was intrusted? If the noble Lord were guided by the opinions of the town-council as to the Magistrates to be appointed for Bristol, should not the noble Lord have naturally entered into an examination of the objections raised in the town-council? Now about three of those who were connected with the noble Lord in politics, a division took place—and yet those three names, he could tell the House, were allowed to remain on the roll of Magistrates. He was not present when the right hon. Baronet brought this subject forward; nor did he know how he had applied his observations to the choice of some Magistrates made by the noble Lord, and the rejection of six individuals connected with Bristol. About a fortnight since he had received information from Bristol, that the noble Lord did not contemplate continuing on the roll those three to whom objections had been made in the town-council—a sacrifice was to be made of the opposite party, and six were to be rejected, as a compensation. He did not believe this at the time. He thought that the noble Lord would not go so far in injustice—he contended that the three would be rejected; but when he heard that the noble Lord had not rejected the three, but that he had rejected the six of opposite opinions to his own—when he found that the noble Lord had been carried so far by the spirit of partisanship, he said that he only waited for what he considered might be had, circumstantial evidence in proof, that in doing this the noble Lord was animated by corrupt motives. Any Minister of the Crown who, for the sake of promoting the party to which he belongs, does such acts as these, is guilty of corrupt motives. He was sorry that this question had not been postponed, as he had the strongest reason for believing he could give additional proofs why the noble Lord pursued the course that had been adopted by him. He did think that what had occurred on that occasion might tend to prove that the course adopted last year in the House of Lords, with repect to the power to be given to the towns of nominating Magistrates, was not calculated to be productive of all the good effects which had been anticipated from it. He was glad this opportunity was afforded to him of explaining his conduct upon another occasion. The other day, upon the division on the motion of the noble Lord, the Member for South Lancashire, respecting the Irish Municipal Bill, which had been read a third time on the previous night, and was sent up to the House of Lords, he had abstained from voting; and in doing so, he considered he was taking as decided a part as gentlemen who had voted upon the one side or the other. He objected to the giving great powers to the Crown in any instance; he objected to the taking any powers from the people, with which they were now vested. Now they saw the proof of giving to any Administration, of conferring on the Crown, the power of choosing Magistrates—a power which the people formerly exercised. Here was a case where the Tories, being the majority, to their honour, consented that the half of the Magistrates might be liberal. The people acted justly—the Crown unjustly. The noble Lord was the responsible Minister of the Crown; and when he spoke of the Crown, he only referred to the responsibility of the noble Lord, who had in this instance shown himself to be a partisan. The noble Lord stated, that he was not aware of what had taken place in the town-council. Then the noble Lord was badly informed; and he could not help saying, that it was most remarkable, when the noble Lord had declared it to be his determination to decide who ought or ought not to be rejected, he would take the recommendation of the town-council; and yet he did not attend in this instance to the recommendation of the town-council when it affected the appointment of those who were opposed to him in political opinions. He came back again to the question of the nomination of Magistrates, and he said, he never wished, with respect to the municipal institutions of this country, to take a power from the people which already existed. That power already existed in law, and was sanctioned by the constitution; but when the noble Lord or any other man took advantage of his position to head a party in Bristol, united for objects not defined, but which the noble Lord must have heard of, then he would say that the country, governed by such Ministers, was on the road to revolution. It was a proof to the people of this country that there was no middle course to be pursued—that men would not be allowed to hold opinions without suffering for them, by the act of those who were not the Ministers of the Crown, but the Ministers of others than the Crown, and by whom affairs were regulated, whether in Bristol, London, or in Ireland, or, he would add, in any other part of the kingdom. Before he sat down, he would wish to call upon the noble Lord to state his personal objections against those Magistrates of Bristol who had been rejected. He called upon the noble Lord to name his adviser. The noble Lord might do so; because no objection was made to Mr. Daniel but one, and that was a personal more than a physical objection. He could not see why the House ought not to be acquainted with the grounds of the objection, and with whom they originated, when the noble Lord believed them in secret to be fabrications. He must say, that when the noble Lord rose to reply, he did expect from him an answer more detailed and more substantial, and that he would, at least, have defended the characters of those whom he had selected. He was disappointed upon that subject. What the noble Lord had said would go forth to the country. The effect must be, that the character of the noble Lord would not rise in the estimation of the public as a supreme Minister of justice; it would not rise in their estimation as an adviser of the Crown; nor would it add to the dignity and honour of the sovereign.

Mr. *Bernal* very much lamented that the hon. Baronet had, in discussing this subject, been excited to what he must consider an unnecessary degree of heat. From the manner in which the subject had been opened by the right hon. Baronet, he certainly never could have expected, that it could have led to the imputation of corrupt motives. The tone adopted by the hon. Member for Bristol, was one not befitting the subject; for if the hon. Member for Bristol entertained seriously what he had stated—if he had felt seriously the sentiments which he had just given utterance to—he said then it was the duty of the hon. Baronet to come forward and impeach his noble Friend. A gentleman of the intelligence and ability of the hon. Baronet—the Representative of a city—the Representative of a large and populous constituency—the Representative of 100,000 persons—one to whom great responsibility and weight attached—how a Member so situated, could lightly attribute corrupt motives to a Minister of the Crown he did not understand. A person so situated should not seek to wound by an incidental shaft from his quiver. He certainly should not make such an attack in a partial discussion, but ought, distinctly and plainly, to bring forward such a charge in a manner that it could be dealt with by the House. He would wish now to call back the attention of the House to the subject opened by the right hon. Member. This unfortunate discussion, for debate he could not call it, must bring forward several Gentlemen from the various places that had been alluded to, for the House was ignorant of the facts stated, and the accuracy of the allegations that had been made. It was unfortunate that this should have occurred, as it prevented several hon. Members, whose Motions were on the paper, from bringing them forward. Reference had been made to the city which he had the honour to represent. In the case of the city of Rochester, the right hon. Gentleman had said, that five out of the six Magistrates who had been appointed, were Liberals. He would not mince the matter—he would boldly declare at once that the whole number—yes! all of them were men of liberal opinions. Three of them never had been electors for that city; and as to their opinions, they were not those of to-day, but they were those which they had through life cherished and maintained. With reference, however, to the Gentlemen who had been alluded to, he could only say, that there was no further recommendation made to the Home Office on their behalf than this—that he and the hon. Member for Kent accompanied a deputation from Rochester, who recommended, and most earnestly recommended, those gentlemen. Now in the case of Rochester, it was a well-known fact, parties were completely balanced in Corporation matters; there being in the Town-Council nine on the one side, and nine on the opposite side. The consequence had therefore been, that they could come to no agreement on any question—everything was in fact nullified. They had not even, at this day, agreed upon the elections of Mayor or assessors. Therefore it was not to be expected that any recommendation could emanate from a body so constituted; and how, he would ask, could his noble Friend listen, as he would under other circumstances, to a recommendation of a Town-Council as the proper and competent body to recommend parties for his approval? Then, with reference to an understanding, which had been mentioned as having been come to with the Town-Council, he had received a letter begging him to deny the assertion altogether. He was directed to say, that no such understanding was ever come to; that of the parties named, two or three of those parties were Members of the Town-Council. There were two or three Magistrates under the old *regime* who would continue in office till the 1st of May. There were eight Magistrates of Rochester; the other two being the past Mayor and the last Mayor, who professed different political opinions. He would say, if those men were correct in their moral character, and had mental powers to decide on those various points which came under their notice, and the Town-Council joined in recommending those men to the noble Lord, he thought it was his duty to attend to that recommendation, always reserving to himself that discretion which, as a servant of the Crown, he ought to retain. If any blame or any censure were intended to be cast upon his noble Friend, he was ready to take that blame in this instance, entirely upon himself, and he called upon any hon. Gentleman to say, whether he considered that he (Mr. Bernal) had any cause for shame in the part he had taken. The case of Rochester was then a decided exception, and he did not know how an objection could be made to what had been done by his noble Friend, who had in this instance felt it to be his duty to exercise a proper discretion in the appointment of Magistrates for that place. An objection had been made to the course pursued towards Alderman Daniel, and the case of Alderman Baker was referred to. Now he could say of the latter that he was a gentleman of property, and of most active mind, but who, since his list had been transmitted, had been attacked with a serious illness; but who, when he had the pleasure of seeing him last year, was as active in mind and body as any Gentleman he saw before him, and, he would add, no man was more to be respected for his ability and property. He felt bound to say, that he saw nothing in the appointment of the Magistrates in connexion with the new Town-Councils to justify the attacks that had been made.

Mr. *Goulburn* was not surprised that his hon. Friend who had just sat down should come to a different conclusion from him upon this question. He always maintained that the professing of particular political opinions should not exclude any person from holding the commission of the peace; and he only now desired that a difference of opinion from what predominated in the Government should not be deemed an insuperable bar to the magisterial office. The Government which consulted party politics in those appointments certainly did not do their duty. His hon. Friend who had last addressed the House said that representatives had a right to recommend to those appointments. No doubt the recommendations made by his hon. Friend were honestly and conscientiously made; but, however strong his impression of the fairness of his hon. Friend's motives might be, those who were not so well acquainted with him, and who knew the political opinions which he entertained might be apt to look upon his recommendation with suspicion. This must be particularly the case as regarded Rochester, where opinions were so equally balanced. He did not object to his hon. Friend's interference, but he did object to the acquiescence of Ministers, who, on so delicate a point, ought to have resorted to sources of information more free from the suspicion which must be attached to such a recommendation by all who had not the pleasure of knowing his hon. Friend as well as he knew him. If, as the noble Lord said, he made the recommendation of councils one of his principal motives in these appointments, how happened it that, whilst the recommendations of others were attended to, those from Conservative councils were neglected? With regard to the charge of taking by surprise, which had been brought against his right hon. Friend the Member for Tamworth, he would say, that it was the wish of the noble Lord opposite to have the question brought forward this evening. His right hon. Friend, not wishing to disturb the progress of business, by bringing it on in a Committee of Supply, gave notice that he should take another opportunity; and it was now before the House with the concurrence of the noble Lord. He would conclude by stating it as his opinion that the explanation of the noble Lord was by no means satisfactory. From his own explanation, it appeared that he had laid down a particular rule for his guidance with regard to these appointments, and at the same time the noble Lord admitted that this rule had not been equally applied.

Lord *John Russell* rose to explain. If any fault had been committed in bringing on this discussion to-day, that fault certainly did not rest with the right hon. Member for Tamworth, but was owing entirely to himself. He had been informed by the right hon. Baronet that he intended asking some questions with respect to the appointment of Municipal Magistrates, and perceiving that those questions materially affected himself in respect to his conduct as a responsible Minister of the Crown, he certainly felt most anxious that those questions should be heard and disposed of before the holidays. The noble Lord then proceeded: I have no right, nor do I pretend to any right, to find fault with the hon. Baronet opposite (Sir R. Vyvyan) for having uttered the expressions which he has thought proper to make use of. As a Member of Parliament, the hon. Baronet has a perfect right to use such expressions in respect to the conduct of a responsible Minister of the Crown. But I do say that I shall have a right to find fault with the hon. Baronet, that I shall have a right to cast censure on the conduct of the hon. Baronet as a calumniator, if having accused me of corrupt conduct, he does not immediately, and without loss of time, bring that question to a decision. I am ready to abide the issue of that decision, knowing as I do that that charge of corrupt conduct is false and unfounded.

Sir *Richard Vyvyan*, First of all I admit that I used the words "corrupt conduct;" and that I used them in reference to the noble Lord. I did accuse the noble Lord of corrupt conduct; and I used the words corrupt conduct in this sense, namely, in the case where a Minister of the Crown acts with partiality in a matter of justice, when he uses the powers with which he is invested corruptly for the advancement of the interests of his party. Now I repeat, that the noble Lord's conduct ever since he has been a responsible Minister of the Crown, has been more or less calculated to advance the interests of the party to which he belongs. I mean this in the same full and entire sense of he words in which I ever meant it.

Mr. *Poulett Thomson*, I am at a loss to know what the hon. Baronet, the Member for Bristol means? If he means to say that my noble Friend, and the Government to which he belongs, have acted so as to advance the interests of their party, meaning by those words the great interests which are so well understood to be connected with that party—that is, the interests which he, my noble Friend, and his party have ever considered just and right—then I fully admit the charge of the hon. Baronet. But if the hon. Baronet means, what the words indeed seemed to imply both to me and other Members in the House—if the hon. Baronet means to insinuate that my noble Friend and the Government, in making these appointments, have been actuated by corrupt motives, then let the hon. Baronet declare that the words he has used came from him in a moment of heat and excitement, and nobody will make more full allowance for words uttered under such circumstances than myself. Let the hon Baronet do this; or if not, let him follow out the charge in a manner which becomes him as a Member of Parliament—let him adopt that course which an honest Member of Parliament is bound to follow, and let him lay upon the Table a particular and distinct accusation against my noble Friend and the Government to which he belongs. One of these two courses is open to the hon. Baronet, and one of them he will take, unless he means that very little care and very little attention indeed shall be paid to anything he may hereafter say.

The *Speaker:* I beg to say a few words. So far as concerns the rules of the House I have felt under very considerable difficulty on the present occasion; but it is desirable that this matter should not be suffered to remain without being brought to some clear understanding. I will first state my apprehension of the circumstances of this case. I heard the hon. Baronet state, that the conduct of the noble Lord had been corrupt, and hearing those words, I was in doubt whether the hon. Baronet did not mean to say, that the noble Lord had acted from corrupt motives. Understanding the observations in this sense, my first impression was, that I should rise and remind the hon. Baronet that no hon. Member was not justified in attributing motives to another hon. Member. But the hon. Baronet has since followed up those words by an explanation which at once put an end to my doubts; for it appears to me from that explanation, that the hon. Baronet, in using those words, intended to exercise his right as a Member of Parliament, to prefer a distinct, precise, and grave charge against the noble Lord; and I am bound to say that, to the best of my judgment, such a charge is not one to be explained away by a general statement such as that last made. A grave charge, that the noble Lord has exercised corruptly, his powers with reference to matters touching the administration of justice has been made, and it is for the hon. Member for Bristol to determine whether a charge, so grave and distinct, can be explained as he has explained it, or whether it mean what the words imply.

Mr. *Hume* said, that he had risen several times in the course of this discussion, when, if he had been fortunate enough to have caught the Speaker's eye, he intended to have moved, that the words used by the hon. Baronet opposite should be taken down. He had risen at the very moment the words had been uttered for that purpose, because he thought the words of such importance that they ought to be brought under the notice of the House. He really did regret the tone and temper the hon. Baronet had displayed. He did not complain of the right hon. Member for Tamworth, who had done no more than was his right, to express himself upon parts of the conduct of the Government which he thought objectionable. The noble Lord had stated, upon testimony not to be contradicted, that he determined upon a rule for his conduct before he knew the turn that the elections would take, and had thus shown his fairness. He gave the noble Lord credit for the manly way in which he had asserted, that his opinion, as to the parties whose recommendation in the appointment of Magistrates should be taken, had not been altered since the Bill was sent into the House of Lords,—when he said that though, by the letter of the law, the election was left to his Majesty, he would take into full consideration the recommendations of the councils of the different boroughs. These were strange times; at least he thought they were when he heard the right hon. Gentleman, the Member for the University of Cambridge, declare it to have been always his opinion, that the selection of Magistrates should be made indiscriminately from persons of different opinions in politics. Where were all the Irish Members when he made that assertion?—and how had the complaints which were made, year after year, and month after month, of his appointments when he filled the office of Secretary of State been disposed of. The hon. Baronet, the Member for Bristol, said, that within a few years party spirit had shewn itself in the boroughs. Had that manifested itself within the last few years? What had the conduct of the Tory Government exhibited but party spirit, —one would have supposed, considering the virtuous indignation with which the hon. Baronet attacked the present proceedings, that party spirit was utterly unknown to him and his friends. This was one of the wonders of the age. Where had he been that all the proceedings of his party had so suddenly escaped his memory? Did the hon. Baronet, the Member for Bristol, think that his Majesty's Ministers would be doing their duty to themselves or the country, if, refusing to listen to the voice of the people, they were to put the nomination of the Magistrates into the hands of their opponents? Did he think that, brought into the Government, on the shoulders of the people, they could possibly display any greater act of weakness, than to appoint individuals of the opposite party, who, the very first moment they had an opportunity, would use their influence to thwart all their plans for the benefit of the country, and to oppose those by whose kindness they were appointed? In this respect the whole system upon which the Government had proceeded, during the present and the last Session, was opposed to the opinions of the public, and those of their best friends. It was the duty of the noble Lord, as a Minister of the Crown, to support liberal measures, to keep out of the hands of his opponents the means of thwarting the Government, and to refrain from adopting such a trimming course of policy as must offend his own friends, without giving satisfaction to his opponents. He was as anxious as any man to see the sources of justice unpolluted; but when he saw the opposition now made to Government, and saw the state of the counties, crowded with Tory Magistrates—when he saw Lord Lieutenants using the power placed in their hands in opposition to the measures of his Majesty's Ministers —the noble Lord, he must say, should take care not to place additional power in the hands of the party represented by hon. Gentlemen on the other side. He agreed with the right hon. Baronet, that nothing could be more desirable than that the Magistracy should act in accordance with the wishes and feelings of the community; but would hon. Members, who found fault with the course adopted by the noble Lord, say that this had been the case in past years? No. Was it the case in the old boroughs? It was not, and this was the source of the dissatisfaction which prevailed in them. The hon. Baronet had spoken of the weakness of his Majesty's Ministers with respect to Bristol, but there the evil of the rotten corporations was exhibited. If the Magistrates of Bristol had acted in accordance with the feelings of the people, the disturbances would never have risen to any height. What could be more necessary than that the Magistrates should have the respect and confidence of those over whom they were to preside, and among whom they were to administer the law?—and what could be more praiseworthy than the disposition the noble Lord had shewn to comply with the wishes of the people? The case of Leicester had been alluded to. He had received a letter from that place the other day, written under the idea that the proceedings there would have been made matter of complaint here. Was there no partiality then shown in the selection of Magistrates at Leicester under the old system? The whole of them were out-and-out Tories, enemies to Reform, and supporters of every kind of corruption; using not only the property legitimately placed at their disposal, but the property of the public, in forwarding their own party views and objects; and so grievous was the burden imposed upon the inhabitants by these means, that there was not one of the old rotten corps left as soon as the opinion of the people obtained any influence. By a statement he held in his hand, it appeared that the amount of the assessment of the Tories, who voted in this election, was 15,000*l.*, while that of the Liberals amounted to between 17,000*l.* and 18,000*l.*—and the Liberals had swept away the old rotten corporations, and had placed in their stead members of the council who were never yet contaminated by any corrupt proceedings whatever. Out of these including the alderman, there were twelve members of the Church of England, and the rest were Dissenters,—and what was their recommendation? They recommended six Dissenters, and four members of the Church of England as Magistrates. Did the hon. Baronet think that the noble Lord acted improperly in approving of the recommendation? — [Sir *Richard Vyvyan.—Yes.*] There was no other hon. Member in the House who would agree with the hon. Baronet. It was impossible that any blame could be attributed to the noble Lord. In the county of Leicester, with the exception of one or two Liberals the Magistrates were Tories to a man. It had been stated by an hon. Member, now the mayor of the town, that his father, one of the oldest of the Magistrates, had been excluded by party spirit, and was excluded to this day. Before the hon. Member for Bristol tells us to look at the appointments made in the towns, let him look to the state of the counties. The Lord Lieutenant of Norfolk had designated his Majesty's Ministers by all the opprobrious names possible, telling the people they were unworthy of their situation, and talking about producing a revolution. Why was not Colonel Wodehouse struck out of the Commission? When we see certain persons taking an avowedly hostile part, it was too much to expect the House to listen, as it had done, to the statement which had been made, without feeling indignation. Let the hon. Baronet, the Member for Bristol, go on with his charge. He challenged the hon. Baronet. After what the hon. Baronet had repeatedly said, he could not consistently retract; he was bound to go on, and he hoped the hon. Baronet would impeach the Ministers.

Sir *Robert Peel,* with respect to the charge brought against him of having brought forward this motion out of his turn, to the prejudice of other hon. Members who had entered motions for to-night, hoped he might be allowed to explain in order to show that that charge was not well founded. The facts were these:—He gave notice last night of his intention to bring this subject forward, and at the same time stated, that it would probably be very late before he should be able to do so. The noble Lord, the Secretary for the Home Department expressed his anxiety that the subject should be brought on to day and he (Sir R. Peel) acquiesced, at the same time stating that if any hon. Member objected to this course he should at once defer his motion.

Mr. *Richards* reiterated the charges against the Government in respect to these appointments; and accused not only the noble Lord the Home Secretary, but the whole party, of corruption. He charged them all with conspiracy, with a settled design against the constitution of the country, with an intention to change the monarchical Government of the country into a republic. Much had been said of changes in opinion. Now, he was persuaded that it was much more candid in a man to change his opinion when he was convinced it was wrong, than blindly to adhere to it. Surely when a man had discovered that what he took to be pearls and diamonds were nothing better than French beads and Bristol stones, he was at liberty to proclaim his error. In the debate of last night.—"Why, I rose (said the hon. Gentleman) several times last night, and did not get an opportunity of speaking;"—there was one expression which he was most anxious to refer to, and which was used by the right hon. Gentleman in the debate of last night.

Mr. *O'Connell*: the Chancellor of the Exchequer did not speak at all last night.

Mr. *Richards* resumed: well, then, I'll suppose the observation to have been made use of by the right hon. Gentleman in some speech uttered by him.

Mr. *Ewart* rose to order. He put it to the hon. Gentleman and the House, whether it was not out of order for the hon. Gentleman not only to refer to a speech in a debate of last night, which had no connection with the subject of the present discussion, but even to go the length of inventing a speech for the right hon. Gentleman, the Chancellor of the Exchequer. He, for one, could never consent to have the public time thus wasted when business of importance was to be brought under the consideration of the House.

Mr. *Richards:* I admire much, Sir, the economical feeling, if I may so term it, of the hon. Gentleman opposite with regard to the time of the public, particularly when I recollect that he so constantly wastes that time with the most useless motions. I have not addressed a single speech to the House for a considerable time, but the hon. Gentleman opposite speaks *ad* *nauseam.* Night after night the meagre powers of the hon. Gentleman are almost incessantly called into requisition, and he now gets up to stop me when speaking in order. I beg to say, Sir, that I know the meaning of order, and the value of order, quite as well as the hon. Gentleman. I will suppose, then, Sir, that the right hon. Gentleman (the Chancellor of the Exchequer) expressed this sentiment—"The object of this measure, the municipal, is to give power to the majority of the people." Now, Sir, I say, that is not the principle on which the British monarchy is founded, and if self-government and popular election are to be introduced into all our institutions, why are not the House of Lords elected?

Mr. *T. S. Duncombe* rose to order, and called upon the Speaker to read the question before the House.

The *Speaker* complied with this request.

Mr. *T. S. Duncombe* continued: now I put to you, Sir, to say whether the arguments of the hon. Gentleman, with respect to the monarchy and the House of Lords, have anything to do with the question before the House?

The *Speaker* said, that if the hon. Member for Knaresborough made the supposition alluded to for the purpose of introducing or reviving the discussion which had terminated at an early hour of that morning, he was out of order. But if he considered his supposition pertinent to the question before the House, he was quite in order.

Mr. *Richards:* I bow with great deference to the decision of the Chair; and I quite agree with you, Sir, that that's the point. My objection is, that the order before us has arisen from revolution. The hon. Member continued to observe, that it did not yet suit the tactics of hon. Gentlemen opposite to have the King elected, though out of doors the election of the House of Lords was a subject much agitated. Talk indeed of the imputation of corrupt motives as a high crime and misdemeanour where an hon. Gentleman, who was a conspicuous Member on the other side of the House, dealt in a wholesale charge of corrupt motives against the body of noble persons who were as independent, as anxious for the happiness of the people, and for the conservation of the monarchy, as that House. He admitted, that he did not rise for the purpose of speaking to the question before the House; but he believed the sense in which the expression complained of by the noble Lord was meant to be understood was, that he had used his influence for the purpose of promoting party objects.

Dr. *Lushington:* Sir, I have listened very attentively to the whole of this debate, and certainly not less attentively to the amusing speech of the hon. Gentleman who has just sat down than to those of any hon. Members by whom he was preceded: and I agree entirely with the last observation of the hon. Gentleman for having expressed his intention upon rising not to speak to the question; he has certainly persevered very strictly in that intention. I do not rise, Sir, to make any observations however upon that speech, for I hope I shall not be guilty of wasting the time of the House, which is so important to the nation, in a manner so utterly superfluous and unnecessary. I rise for another purpose, namely, to endeavour, if possible, to obtain some explanation of a certain statement made by the hon. Member for Bristol, which does appear to me to rest in a degree of obscurity, under which, for the dignity of the House, his Majesty's Government, and the welfare of the people, it ought not to be suffered to remain. When I listened to the speech of the hon. Baronet, I entertained an opinion respecting it, which I had the satisfaction of hearing confirmed by you, Sir. It did strike me that if it were the intention of the hon. Baronet to impute motives of corruption to my noble Friend, as a Member of this House, it was the duty of the Chair, in compliance with Parliamentary usages, at once to interpose and prevent the continuance of such observations. At the same time I agreed with the assertion, that though this charge was of a most grave nature, it was perfectly competent to the hon. Baronet, nay it was his duty, to prefer it, provided he was in possession of information to substantiate such a charge—namely, a charge against my noble Friend, of having exercised the powers invested in him as Secretary of State, which rendered it peculiarly incumbent on him to watch over the administration of justice, for improper purposes—of having, in fact, corruptly (for that was the expression) perverted those powers for the advancement of party interest. Now that was the charge which I understood the hon. Baronet to make: and before I go farther, I respectfully take the liberty of asking the hon. Baronet whether he intends to come forward, and to substantiate the charge which he has made against my noble Friend? [Dr. Lushington sat down, but Sir R. Vyvyan not rising, he rose and continued.] The hon. Baronet is silent. Good God! Sir, what sense must the hon. Baronet have of the feelings of justice—what must he think of the opinion of the country, or how does he estimate the value which every man attaches to character? The hon. Baronet does not pretend to say that by the evidence, at present in his possession, he can establish the charge which he has made; for what does it amount to but this—that because certain individuals named in the list sent up to my noble Friend have not been accepted, but others substituted for them—upon such grounds, without even ascertaining what was the information which guided the conduct of my noble Friend, the hon. Baronet thought fit to impute to him motives of corruption. I ask the House what graver charge can be preferred against a Minister of the Crown, than to say, that regardless of his solemn duty, by allowing the very source from which justice flows to be poisoned, he had not for the public good, but the advantages of the party to which he belonged, placed in situations of public trust and confidence, individuals whom he believed to be not fit and proper persons to be intrusted with such privileges? I want to know whether that charge is to be advanced without proof? I wish to know whether it is a matter of no importance to my noble Friend to have his character thus assailed? I wish to know whether the House will bear with common patience to hear any one Member of this Assembly so attacked; while, when the hon. Baronet, when asked to substantiate the charge persists in a silence, which is tantamount to a refusal to do so, and which I tell the hon. Baronet is more—it is tantamount to an admission that he is incapable of substantiating it? Now Sir, (God willing) thus should the case go forth to the country:—That the hon. Baronet has charged the noble Lord, the Secretary of State, with a corrupt abandonment of his duty, has declined to produce any proof of his charge, and then has adopted a course which I never, since I had a seat in this House, saw pursued before towards any individual Member—namely, declined to retract, or boldly come forward to maintain his assertion. Now then, Sir, let the country judge; let the people of England know, by the example of the hon. Baronet, what a love of justice penetrates his heart. The justice he has shown my noble Friend—let that be the bright example to be followed by the Administration upon a greater scale: make charges and refuse to support them. Let the House look at the responsibility which rests upon any person holding the office of my noble Friend, and then ask, whether he is not entitled to be treated with something like candid consideration? Let the hon. Baronet place himself in his situation: here is a new and an extensive measure coming into operation, and my noble Friend is intrusted with the delicate and, undoubtedly he must admit, the difficult task of selecting persons most fitted for filling the office of Magistrates. Why, if it is considered a sufficient proof that an appointment is improper, because the Member for the borough chooses to consider it so, and if it is sufficient upon these grounds alone to impute corrupt motives to my noble Friend, I say it is utterly impossible that justice can be done; and that a more effectual method cannot be pursued to deprecate the administration of justice in public opinion, than to give rise to supposition that there is cause for believing they were appointed by the Government for corrupt motives. Sir, unless the debate had taken this course, I should not have risen at all. I detain the House no longer. I only express my hope and belief, that one good effect at least will follow from what has occurred this night; it will be a warning to hon. Members, who think appointments not precisely according to their own wishes, before they dare to impute corrupt motives, they will perhaps examine a little into the feelings of their own hearts.

Mr. *Williams Wynn* observed, that he was always most anxious to restrain hon. Members from trenching upon the forms of the House. He was quite willing to admit that the phrase which had occasioned the present discussion was somewhat opposed to the rules of the House; because though the terms "corruption and corrupting," were, strictly speaking, Parliamentary; and though he believed they were in this instance meant to convey an imputation of using the influence of the Crown unduly, for the purpose of promoting the interests of a particular party, they certainly in common acceptation, bore a meaning beyond that — namely, a charge of promoting personal views and objects. But at the same time, in the heat of debate, and according to the common usage of Parliament, he must say that it was not unusual to stigmatize appointments which ran exclusively in one current of selection, and which were made, not so much with a view to the administration of justice, as for the promotion of party purposes [*Hear, hear!*] That was the interpretation which the expression of the hon. Baronet fairly bore; and the words could not, in his opinion, be reasonably supposed to be beyond that offensive. [Mr. *O'Connell smiled.*] He would not be deterred from attempting to prevent the unpleasant consequences of acrimonious expressions, by the merriment of the hon. and learned Gentleman, who seemed to regard such feelings somewhat lightly.

Mr. *O'Connell:* really I think I have a right to interfere. Nobody deserves less or cares less for the taunts of the right hon. Gentleman than myself. The hon. Member who sits near me said something which made me laugh. I believe I ought to have laughed at the right hon. Gentleman opposite, but I did not.

Mr. *Wynn* resumed. All he would say in reply to the hon. and learned Gentleman was, that his heart was not so seared to the effects of acrimonious expressions as that of the hon. and learned Gentleman, and if it were, he had no vow registered in heaven to protect him against the consequences. The right hon. Gentleman concluded by saying, that the expression so much commented upon, was one which had been used with reference to every administration within his recollection, and merely meant that the noble Lord had improperly consulted the interest of his party in the appointments complained of.

The *Chancellor of the Exchequer* was always ready to acknowledge the authority of his right hon. Friend (Mr. Wynn) in all matters concerning the rules of that House; but on this occasion he thought he should be able to prove that his right hon. Friend had committed mistakes of no ordinary description. He begged to call the attention of the House, and of the hon. Baronet, to a distinction which it was very natural should be clearly understood by Parliament. He held that if the words which had been applied to his noble Friend, had been used with respect to any Member of that House the Chair would be bound to interpose, and at once declare the expression to be disorderly. But the case of a Minister of the Crown was different. Here there was no breach of order, no ground for personal complaint, in having such a charge made. He did not touch the question at all as a personal one. The orders of the House were entirely beside the question. The accusation did not so much affect the hon. Gentleman and his noble Friend, as it gave rise to an imputation upon the responsible Minister, which he was willing to believe was thrown out under the influence of excitement, and which he thought he could show the hon. Gentleman that he ought not to adhere to. Here he would remind the House that the hon. Baronet's explanation would have been quite satisfactory if he had confined himself to the phrase which he first uttered. He stated, that the object of his noble Friend was to advance the interests of his party in making those appointments. Nothing could be more true. The whole course of his public life was directed to one object, namely, to advance the interests of his party. No man in that House, or out of it, had contributed more to raise the character and advance the interest of his party than his noble Friend, to whom they were all strongly attached by the ties of affection as well as esteem. If the hon. Gentleman had confined himself to that expression, and had not been induced—partly from supposing, perhaps, that the zeal of those hon. Friends by whom he was surrounded called for some bolder declaration, and it might be partly from a little irritation caused by the laughter with which his first announcement was received at his (the Ministerial side of the House)—to make a distinct and separate charge of corruption against his noble Friend in his individual capacity. It was not to be wondered at that his noble Friend should, upon such an accusation being brought against him, have given to it (at the same time that he challenged the hon. Baronet to substantiate it) as pointed and direct a denial as was possible for him to offer under any circumstances. What showed that the hon. Gentleman was led astray, in making the charge which he had preferred was, that with respect to Bristol, he had forgotten altogether the explanation given of the rejection of Alderman Daniel of Bristol, namely, his avowed disinclination to undertake the discharge of such public duties as the office of Magistrate imposed. But was the case thus brought under the notice of the House limited to Bristol? Certainly not; there were several corporations in a similar position. In the case of Cambridge, the number of names of the returned was infinitely greater than that of the selected. There was, to be sure, a great deal of complaint and harping about the matter; but, on the average, the balance of opinion was in favour of the discretion which his noble Friend had exercised. But it was said, that in considering the lists, his noble Friend had only consulted one side. If so, whose fault was it? Were the doors of the Home-Office closed against any representation that might be made, or had his noble Friend shown any disinclination to give access to any Members of that House who expressed a desire to consult with him on the subject? It was notorious that the reverse was the fact. If there was any truth, then, in the assertion, that the noble Lord had acted on party representations, the fault rested not with the noble Lord, but with those Members who, imagining that they could trump up a fine case for the House of Commons, neglected to avail themselves of the fitting occasion to offer their opinions at the Home-Office. With respect to the question which had evidently arisen out of the speech of the hon. Baronet, the Member for Bristol, he had only to observe, that in his opinion the noble Lord had no alternative left, and that it was incumbent on him, viewing the charge as one of a personal nature, to treat it in the manner he did. It might be said that it was not possible for the hon. Baronet to bring forward the matter in a specific shape; but the assumption of that position placed the case in a much worse point of view than previously. If the hon. Baronet could not bring forward the matter in a specific shape, it was obvious he was altogether unjustified in making the accusation as he had done, the aspect of a specific charge. Feeling convinced that it was wholly out of the power of the hon. Baronet to reduce his accusation to any tangible form, he would not offer the alternative of a public charge; but he did offer, nevertheless, an alternative, of which the hon. Baronet was bound, by every principle of honour and justice, to avail himself—that of publicly admitting that, in a moment of inadvertence, he had said that which was incorrect and erroneous. If the hon. Baronet declined making this admission, the country must be left to judge of the case as between him and his noble Friend.

Viscount *Sandon* contended that the case under consideration was one of no private or personal nature, and that the hon. Baronet could not, with any justice, be expected to make the admission sought of him. Of the noble Lord in his public capacity, the hon. Baronet, in his public capacity, had expressed an opinion upon certain official acts, and it was certainly the first time he had ever heard of a Minister of the Crown being so delicate and thin-skinned as, upon a general charge of corruption being made against him, to demand of the party adducing it to bring forward some specific charge, or admit that he had given expression to an assertion which was not founded in fact. To say that a Minister of the Crown, in the exercise of some particular duty, had acted from motives of corruption, would be unquestionably a specific charge; but when the hon. Baronet merely gave it as his individual opinion, that the general policy pursued by the Government, to which he was opposed, was corrupt, there was no charge implied which deserved the consideration of a moment. All that the hon. Baronet had said of the noble Lord was, that in the performance of the duty of his office he had consulted his own party in preference to that opposed to him, and that the noble Lord had done so even his own Friends admitted. There was no charge of corruption in this; and it was nothing more than every Administration had in turn been exposed to. The Administration of Lord Grey had repeatedly been accused of giving too much preference to their own party in the selection of Lord-lieutenants of counties; but the Members of that Government had never deemed such accusations worthy of even a reply. With regard to the policy of giving the Secretary of State for the Home Department a discretionary power to alter and amend the lists sent up from the town-council, he thought there could not be a difference of opinion. The discretion was undoubtedly a good one, and he did not hesitate to say that, in some respects, the noble Lord opposite had made a good use of it. In the case of a Corporation he might, for instance, mention that upon twenty-four names of extreme liberal politics being sent up for approval, the noble Lord had recommended to the town-council the policy of altering the list by the insertion of five names of more Conservative principles. It was said on the other side, "Look at the Magistracy of England; see how Tory it is." To that he answered, "Look at the gentry of England, the body from which the Magistracy was, or ought to be, selected, how Tory it is." It was an undoubted fact, that the Magistracy of England was for the most part Tory; but when it was considered that Tory politics were the politics of the great body from which the selection was made, there was nothing unnatural or surprising in the circumstance. He did not see why the hon. Baronet should be called upon to retract the phrase he had used. He thought the hon. Baronet had a right to maintain the view of the noble Lord's conduct he had taken, if he thought it justifiable; and that the House had no right to call upon him for any retraction or explanation whatever. Before sitting down, he must be permitted to observe, that it was with some surprise he had heard the hon. and learned Member for the Tower Hamlets—that hon. Member who, of all the House contained, was least liable to the imputation of being mealy-mouthed in the concoction of charges of corruption or imputation of dishonest motives against those to whom he was politically opposed—rise in his place to lecture the hon. Baronet for the speech he had made. Undoubtedly it was not an unusual occasion to witness those who indulged in a particular failing denounce it in the case of others; but frequent as was the occasion, it seldom failed in exciting such surprise as he had felt upon hearing the observations of the hon. and learned Member for the Tower Hamlets that evening.

Mr. *Charles Wood* thought, that if the hon. Baronet would consent to repeat the speech of the noble Lord who had just sat down, and with him say that all he meant by his observations was to suggest that the noble Lord had given a preference to his own party—a preference of which he disapproved—the House ought to feel satisfied. As the hon. Baronet's words now stood, they certainly went much further than the noble Lord represented them; and if the noble Lord's version of the hon. Baronet's meaning was the correct one, it was in every sense incumbent on him so to declare it.

Mr. *Thomas Duncombe* felt quite assured that the present debate had assumed a character not contemplated by the right hon. Baronet who introduced it, and that no one present more regretted the cause of the discussion than that right hon. Baronet himself. With respect to the subject more immediately before the House—he meant the accusation of the hon. Baronet the member for Bristol—his opinion was, that no retractation ought to be called for. It would be quite unworthy of him to retract; but, nevertheless, he thought he ought to be called upon to say whether or not he would substantiate on some future day the charge he had made. When he heard the hon. Baronet's speech, he confessed that, as an anxious supporter of the present Government, he had felt some apprehension there was some ground for a charge against the noble Lord, and upon the hasty reflection of the moment, he had caught at the conclusion that the noble Lord had abused some prerogatives of the Crown, or violated some Act of Parliament, and committed some deed of flagrant injustice in seeking the advancement of his party; but upon its subsequently appearing that the "head and front of his offending" was contained in the fact, that he had declined to appoint an old superannuated Tory to the magistracy, that there was no prerogative of the Crown abused, no Act of Parliament violated, and no deed of injustice committed, he felt more inclined to treat the whole affair as a subject for ridicule, than attach to it the importance it had since received. Upon the general subject to which the discussion related, he would not detain the House further than to give a piece of advice to the right hon. Baronet, the Member for Tamworth. That right hon. Baronet, in the course of his observations, had declared that he always judged of a man's principles by the nature of the vote he gave upon the occasion of elections for Representatives in Parliament, or, in other words, that he always set down as Tories those who voted for Tory candidates, and calculated as Whigs and Radicals the supporters of individuals representing those principles. Now this he could assure the right hon. Baronet was a most fallacious test, and he should advise him not in future to take it as a standard. Perhaps a better exemplification of his position could not be afforded than was supplied by the case of the hon. Member for Knaresborough. It so chanced that he (Mr. Duncombe) was intimately connected with that town, and could boast of knowing the political feeling of almost every individual composing its constituency. Now, if the right hon. Baronet were to judge of the political sentiments of the constituency of Knaresborough by the votes which the hon. Member had given, he would arrive at a totally erroneous conclusion. It would, doubtless, appear somewhat singular to the House, but such was the fact, that almost all the constituents of the hon. Member to whom he alluded, were Radicals—and moreover, that they had voted for the hon. Member under the impression that he was a radical, and in consequence of the Radical professions he had made to them at the hustings. Such being the case, he recommended the right hon. Baronet not, in every instance, to judge by the votes of the Members of that House, but rather to look to the character and conduct of the constituents themselves. The speech of the right hon. Baronet that evening was chiefly intended as a sop to the old corporators. He could almost fancy he heard that expiring body whisper into the ear of the right hon. Baronet, "Why do you not make a better fight for us in the House of Commons. You are throwing us over in Ireland, and neglecting us wholly in England. Surely you might make something like a stand for us in our last grasp, and try to put a few of us into the magistracy." How far the right hon. Baronet's appeal was likely to prevail with the noble Lord, he of course knew not; but he could not refrain from saying, he hoped and trusted it would not avail with him. Certain he was it ought not. Let the noble Lord persevere in the course he was pursuing—let him continue to appoint men of liberal principles, and he would have the double satisfaction of securing the welfare of his country, and at the same time entitle himself to the gratitude and well-merited praise of the public.

Mr. *Richards* wished to speak in explanation. He did not doubt, for one moment, that the hon. Member believed what he stated with regard to him and his constituents at Knaresborough; but he could assure him, and the House (and for corroboration he appealed to his hon. Colleague in the representation of that borough, who fortunately chanced to be present, and was well aware of all the circumstances attendant upon his election), that the statement the hon. Member had made was altogether unfounded in fact. [*No, no.*] Well, he would put it to the proof—he now, in the face of the hon. member for Finsbury who made the charge, and of the House who had heard it, put it to his hon. colleague to say, whether he had been returned for the borough of Knaresborough as the advocate of Radical principles? and, furthermore, whether he had not upon the hustings totally and distinctly repudiated those principles? These questions he required his hon. Colleague as a personal favour to him to answer, and sure he was, the answer they would receive would be satisfactory to his feelings. With regard to the political interests of the constituency of Knaresborough, he had but one word to say. The hon. Member for Finsbury was in the habit of mixing so much with the Radical party, that he believed it predominated everywhere; but he could assure him, that if he knew anything of the constituency of Knaresborough, it was so far removed from radicalism that it would not for a moment support the advocate of Radical principles. He might further observe, that the people of Knaresborough desired Reform as he did, and in the sense of the word adopted by the right hon. Baronet the Member for Tamworth, that was to say, that those Reforms which were useful, safe, and calculated to promote the happiness and well-being of the people of England, but not such organic Reforms as must lead to revolution, anarchy, and democratic sway. He called upon his hon. Colleague to answer the questions he had put to him.

[There were loud calls for Mr. Lawson, but the hon. Member, though present, did not rise.]

Mr. *T. S. Duncombe* should be quite ready to retract anything he had stated respecting the hon. Member for Knaresborough (Mr. Richards), if his hon. Colleague would rise in his place and state to the House that the hon. Member's votes in Parliament were not totally inconsistent with the professions he had made upon the hustings.

[The calls for Mr. Lawson were renewed, but the hon. Member kept his seat.]

Mr. *Ewart* rose, but the call for Mr. Lawson still continued. When silence was restored, he proceeded to say, that if the hon. Member for Knaresborough (Mr. Lawson) felt disposed to respond to the call made upon him, he was willing at once to make way for him. As the House, continued the hon. Member, is not to have the benefit of the hon. Member's evidence, I will proceed with my observations, nothing doubting the existence of those Reform principles which the hon. Member for Knaresborough professes, and of which, in theory as well as practice, he has given so many illustrious instances. Sir, I rise, as I think every hon. Member ought to rise, when he differs upon a moral point with another hon. Member, and state his sentiments thereupon. I understood my noble Colleague to say, that every hon. Member might charge another hon. Member with corrupt motives if he considered them corrupt. To that doctrine I can by no means subscribe, for according to that, any man might accuse another of corrupt motives and criminal conduct, and then shelter himself under a definition of what he "considers" corrupt motives or criminal conduct. If the hon. Baronet, the Member for Bristol, or any other hon. Member accuses any Gentleman in this House of corrupt motives, he is bound to take one of two courses, either to retract or prove his charge. Now, Sir, hon. Members in the course of this debate, have made a serious charge against the noble Secretary for the Home Department: viz., that to a certain extent, he has advanced those to the Magisterial bench, who are members of his own party, and yet they seem most strangely to have forgotten that right hon. Gentlemen on their side of the House have set him that example for years long past. Thus, by a marvellous inconsistency, overlooking their own conduct in censuring the conduct of their opponent, I hope I am guilty of nothing discourteous when I remind my noble Colleague that in the short period of *interregnum* before the Administration of the right hon. Baronet opposite was formed, one of the first things done, was to appoint all at once, *per saltum,* seven Tory Magistrates for the Borough of Liverpool. That is now an historical fact; it is not to be denied. I firmly believe, that it is for the interest of justice, that the Magistrates should be in consonance with the feelings of the people. I am quite sure, also, that never will justice be well administered in this kingdom under the system of unpaid Magistrates. Therefore, I applaud sincerely the conduct of the noble Lord; his conduct has not only been justified by the example of his opponents, but by right reason and sound policy. And I feel convinced that the result of this night's debate will be far from adding to the credit of those who have attacked him; and will redound to the honour and the merit of the course which this Administration has boldly pursued; a course which they sincerely believe to be the just course, and one which will be fully justified by the people of England.

Mr. *Williams Wynn:* in reference to what had fallen from the hon. Member who had just sat down, upon the subject of the appointments to the Liverpool Magistracy, said, that for those appointments he, in capacity of Chancellor of the Duchy of Lancaster, was entirely responsible for having made them. In justice to himself, however, he was bound to observe, that before making them he had submitted them to the Earl of Derby, the Lord-Lieutenant of the county, and two of the Judges going upon the circuit, who all concurred in describing the individuals nominated as fit and proper persons for the situation.

Viscount *Sandon* said, he certainly was consulted on the occasion of the appointments in question; but he could state that they were made without any reference to political or party feeling.

Mr. *Ewart* was quite aware that the immediate author of those appointments was the then Chancellor of the Duchy of Lancaster. It was, nevertheless, the act of the Administration, at that time existing, and the right hon. Gentleman had not at all disputed the correctness of his assertion as to their being all Tory Magistrates.

Mr. *Roebuck:* although, Sir, since I have been in this House, I have become so hardened, as never to feel any astonishment at anything which is done in this House. Yet, I confess my feelings on this night have been somewhat tried, at seeing the right hon. Member for Tamworth after having spent a long life in supporting a system which was based upon exclusion, on a sudden seized with a most wondrous fit of virtue, and taking upon himself the office of grand protector of justice! Until the Magistrates began to be appointed by the people, he only cared about the political opinions of those appointed to the

Magistracy so far as to ascertain that they were not of opinions opposite to his own. It is notorious that the right hon. Baronet all his political lifetime has appointed none but Tory Magistrates. And is it anything then but sheer hypocrisy, that he should come forward under the pretence, forsooth, of caring about "justice?" It is nothing more than pretence; the true meaning of it is, that he feels at last the people have got the better of him. It is not that he imagines justice is about to be perverted: no such thing. He sees the power in which he has so long participated gliding away from him; he finds that the Tory domination is departing for ever; that the people of England are coming at length to the election of their own Magistrates; and then, Sir, he begins to talk about "justice!" Accustomed as I have been in this House to strange scenes, never till this night did I behold anything so audacious (I use the word advisedly) as this pretence, extraordinary and shallow as it is, of caring about justice, at the moment when the right hon. Baronet finds it impossible to preserve that system of Tory domination over the people which he has so long exercised. And, Sir, let me ask why this virtuous indignation, this pretence of justice, should be confined to the Corporate towns? Why is it that those hon. Members on that side of the House, who rise with such wrathful ardour to point out three Whig Magistrates and only one Tory in the borough. And why do they not, in the same admirable spirit of love for justice, rise and point out twenty Tory Magistrates and not one Whig Magistrate at all in county B? Oh! no sir! that would not exactly suit their purpose! But when the right hon. Baronet comes forward to accuse Gentlemen on this side of the House of partisan feeling, why does he not look back over his own past history? Has he never been "a partisan" of a domineering party in this kingdom, which has now fallen before the people of England? And is it not somewhat too late for him to come forward now under this shallow pretence of justice? For what is it, Sir, of which the right hon. Baronet complains? That in a large town, the majority, the large majority of the inhabitants believe that men of a particular opinion in politics are more likely to administer justice according to the general feeling of the inhabitants of the town than men of the politics of the right hon. Baronet. Sir, I am of that opinion; and more than that, Sir, I am quite sure, that the right hon. Baronet himself, if he were in a majority, would say the same, with respect to his opponents in politics. I want to know by what criterion we are to determine who are to be the Magistrates in any town? The right hon. Baronet admits he has nothing to say against their private character; are we to travel about inquiring who is a Tory, and who a Whig? No Sir! but having found out first who are the men capable of filling the office, it is an important element then, in the consideration of the persons best fitted to be intrusted with the administration of justice, to know who are the persons most likely to inspire the people with a belief that justice is fairly administered to them. Why, Sir, the right hon. Baronet is called (and I believe justly in some degree,) "an enlightened statesman." Now, Sir, as such I put it to him to say, whether it is not an important element in the administration of justice that the people should believe that justice is administered to them? Did I not hear him say the other night, when pleading for a minority, that they should have that justice administered to them which they believed to be justice? And then, Sir, I should like to know, whether or not the large majority are not to be considered? Whether we are not to ask what they will believe to be justice? Has he been able, in all that formidable list which he has this night enumerated, to point out one single instance of an appointment to the Magistracy in a town, the majority of whose inhabitants did not believe justice would be administered by the person so appointed? And if not, what is his declamation about Whigs and Tories, but a sheer pretence? What is it but a party clap-trap, which he ought to know, and does know, is a shallow fallacy only likely to pass current among his willing supporters? He knows, Sir, as well as I know, that it is a fallacy by which the people of England will not be misled; which is only fitted for the temperature of this House, and thank God, Sir, only fitted for one half of this House. Now, Sir, again I ask the right hon. Baronet, what it is that induces him, having so long filled the office of Home Secretary, to come forward at this critical moment, and complain of injustice being done? Are the persons appointed less respectable than preceding Magistrates? No; that is admitted by himself. Are they in any way whatever impeachable in their private or public character? No; that also was granted by himself. Are they opposed to the Government? No. For what more would he himself ask for them than private and public worth and respectability, and their being friends of the Government? Would not he himself, if he were at the head of the Government, come to this House, and say, "These persons are all fitted for their office, and I have confidence in them?" And would not these be considered by him good reasons for appointing them to the Magisterial office? And now he comes forward, and having all his lifetime conferred appointments on persons of his own politics, though they might be opposed to the people, and though they might be not likely to do justice, he finds fault with the noble Lord for having done that which I, for one, am heartily glad he has done, appointed persons congenial to the people as well as in the confidence of the Government. I never was so delighted in my life as when I heard the attack of the right hon. Baronet. I was quite convinced that the noble Lord had been doing his duty, for whenever he does do his duty he is sure to give offence to that side of the House, and as soon as I hear praises and soft speeches from that quarter, I begin to fear that mischief has been done. A noble Lord opposite said, that all the gentry of England were Tories; but what we want to know is, not what the gentry of England think, but what is the feeling of the boroughs to which these Magistrates have been appointed, and whether the majority of the inhabitants in those boroughs believe that those magistrates will do them justice, that is the question; and it will go forth to the public, that no person has said, (and nobody could say it) that the majority of the people in these towns believe that the Magistrates that have been appointed, will not do them justice. The contrary is evidently admitted to be the case. Sir, upon a former occasion, in opposition to the right hon. Baronet, (who in my humble opinion did not succeed in controverting my arguments) I attempted to show, and brought forward some very apt illustrations in support of my reasoning, that the appointment of Magistrates by the majority, was the only proper and efficient mode of appointing them. Now what is the ground of attack upon the present occasion? That Magistrates have been appointed in accordance with the feelings of the people, and not in accordance with the wishes of the right hon. Baronet. If the noble Lord, the Home Secretary, had followed the example of the right hon. Baronet, he would have appointed his own partizans exclusively; but the noble Lord did not do that, he chose those persons whom the majority of the people said were fit to be intrusted with the administration of justice. That, Sir, is the right mode of electing Magistrates—there is nothing which freed from popular control, will not become vicious; and I want judicial officers, like every other officer, subject to popular control, aye, and vigilant popular control too. Then we shall not have Tory-ridden counties, and Tory-ridden corporations; we shall not then, have the bench so disfigured by Tory Magistrates, and injustice done under the pretence of "defending the British Constitution!" Sir, I have been so troubled with these pretences of the opposite side, by their extraordinary and virtuous indignation, that I was unable to contain my feelings upon this occasion. I will end with a prayer for those whose immaculate love of "justice" has been so often expressed—that a real love of justice may once and for ever enter into their hearts.

Sir *Robert Peel* begged to be allowed to say a few words in explanation. A part of what had fallen from the hon. Member for Bath was utterly inconsistent with fact; another part was founded on a gross misrepresentation of his opinions and conduct; and the remainder exhibited as flagrant a proof of at least as much hypocrisy and simulated love of justice as the hon. Member had attributed to him.

Mr. *Roebuck* observed, that if the right hon. Baronet was going to speak against him, he hoped the House would allow him to answer.

Sir Robert Peel was resuming, when

Mr. *Grote* rose to order, and expressed a hope that the right hon. Baronet would not, under the influence of his party, be allowed to make a second speech.

The *Speaker* stated that, according to the orders of the House, no Member, except under peculiar circumstances, was entitled to make a second speech. The House, however, would permit any hon. Member to speak a second time if it were necessary.

Sir *Henry Hardinge* observed, that the hon. Member for Bath had accused his right hon. Friend of being influenced by hypocritical motives; and therefore, in his opinion, his right hon. Friend was perfectly in order and had a right to vindicate himself.

Sir *Robert Peel* would be the last man to throw any impediment in the way of the hon. Member for Bath's reply. He had already stated that a part of what had fallen from the hon. Gentleman was inconsistent with fact. The hon. Gentleman had asserted that he had, in his official life, uniformly appointed individuals to the commission of the Peace with a view to political purposes. That he most distinctly denied. He had never done so in a single instance. He had never contributed to the appointment of a single individual as a Magistrate who———

Sir *John Wrottesley* put it to the right hon. Baronet, whether it was desirable, under the circumstances of the case, to enter on such a subject?

Mr. *Williams Wynn* observed, that when a personal charge was made against an hon. Member, the House always allowed the individual attacked to defend himself.

Sir *Robert Peel* said, that whether or not he were permitted to proceed must depend entirely on the pleasure of the House. He had, however, scarcely ever heard a speech containing so much vituperative matter as the speech of the hon. Member for Bath, directed against a Member who was placed in such peculiar circumstances that he had no right to reply. Although, therefore, he was aware that he was trespassing upon the ordinary rules of the House, he solicited their permission to say a few words. The hon. Gentleman had declared, that as Secretary of State, he had rendered his official power subservient to his political views in the appointment of Magistrates. That he denied. He had never, directly or indirectly, done any such thing. When in office, he had had repeated applications from Members of Parliament on the subject; but he had never sought any political object in the appointment. The appointment of the county Magistrates rested, in fact, with the Lord Chancellor; but he had never used his influence or his connexion with that dignitary, to procure the appointment of individuals as Magistrates for political purposes. A part of what had fallen from the hon. Gentleman was founded on a gross misrepresentation of what he had said. The hon. Gentleman asserted that his (Sir R. Peel's) sole complaint was, that the people, having obtained power in the appointment of the Magistracy, were allowed to exercise it. That was not his complaint. His complaint was this: that where the people had exercised their power in the furtherance of conservative principles, full weight had not been given by his Majesty's Government to their wishes. He had quoted the cases of Guildford and Bristol in proof of his assertion; and he had argued that if, where Liberal principles predominated, they were allowed their weight, the same ought to be the case where Conservative principles predominated. The hon. Member for Bath assumed that the people had a right to choose their Magistrates. In that assumption the hon. Gentlemen was in error. By the law, the people had not now the power of choosing the Magistrates. But the hon. Member would perhaps say, that because the town-councils, who were elected by the people, had the power of recommending individuals for the Magistracy, the people had an indirect influence on their appointment. Be it so. But if the doctrine was good as it referred to those who were of liberal principles, why was it not good when it referred to those of conservative principles? He had always doubted the policy of being governed in the appointment of Magistrates by either conservative or liberal town-councils; but if it was right to be so governed by a liberal town-council, it must be right to be so governed by a conservative town-council. He had mentioned the cases of Guildford and Bristol, however, to prove that that had not been the course pursued by his Majesty's Government. It was hypocrisy on the part of the hon. Member for Bath—at least equal to that which the hon. Gentleman imputed to him—to pretend that he was anxious to consult the voice of the people in the appointment of Magistrates, while he maintained the expediency of confirming the recommendations of those town-councils whose political opinions were conformable to his own, and of setting aside the recommendations of those town-councils whose political opinions were not conformable to his own. What was that but a simulated regard for the voice of the people? "When the voice of the people," said the hon. Gentleman, "agrees with my own opinion, let it be attended to; when the voice of the people and my opinion are dissonant, let the voice of the people be disregarded; overlook the recommendations of the town-councils; and overlook the expediency of popular control." He trusted that he had redeemed the pledges with which he had commenced his observations.

Mr. *Roebuck* said, that although he was quite sure he had a right to reply, the defence of the right hon. Baronet had been so dull and weak, that of that right he did not think it necessary to avail himself.

Mr. *Thomas Gladstone* said, that the borough of Leicester was by no means well pleased with the Magisterial appointments of the noble Lord; and he could inform the House, in addition, that an Address to his Majesty on the subject, signed by a great majority of the respectable inhabitants of the town, was ready for presentation at the first opportunity. Of the ten persons who had been appointed to the Magistracy in Leicester, nine had voted for his opponents in the last election for the borough. Of these nine, eight were very active supporters of their cause. Besides this, five of them were Socinians, one a Baptist, three were Churchmen, and one of them was of very doubtful character. He did not mean as to his morals, but the character of his creed; and he wished to be understood as casting no reflection on the gentleman. If that was not enough for the measure of the noble Lord he did not know what was. After a few more such specimens of it the constituencies of the country would be less than ever inclined to repose confidence in the Government. He had been identified with charges made against the noble Lord by the hon. Member for Bristol by the cheer he had uttered in support of it; but he wished to qualify that identification by an interpretation, similar, if not in terms, in strict sentiment, to that afforded by his noble Friend, the Member for Liverpool.

Captain *Berkeley* said, the hon. Baronet, the Member for Bristol, had stated, that the place which he represented was almost, if not quite, the only influential town in the kingdom where there was a Tory corporation, and it was upon the refusal of the noble Lord, the Home Secretary, to comply with the recommendations of that Tory corporation that the hon. Baronet founded his charge. Now, it did so happen that the place which he had the honour to represent was a large mercantile town, and a place of no slight importance, and there also, there was a Tory corporation. When that corporation was elected, he was strongly urged by the liberal party in the town, who were his principal supporters, to wait upon the noble Lord, the Home Secretary, and express the fears which they entertained, that the recommendations of the corporation, as regarded the appointment of Magistrates, would not be such as would give general satisfaction. He waited upon the noble Lord accordingly, and had a conversation with him upon the subject at some length, and when he was again urged by his constituents to repeat the application, his reply to them was simply this—that the noble Lord had already given him the amplest and most satisfactory reasons why he could not interfere with the recommendations of a body which had been popularly chosen. He thought that this fact went far to contradict, if not to falsify, the accusations which had been brought forward against the noble Lord by the hon. Gentlemen opposite. If he stood in the situation of the hon. Baronet, the Member for Bristol, he would either manfully proceed with the accusation, or else candidly retract it.

Mr. *O'Connell*.—Sir; One word with respect to the magistrates of Leicester. I remarked that the right hon. Baronet made no personal charge against any of them. He indeed stated, that they voted against the sitting Members; but he went no farther. The hon. Member for Leicester has thrown a new ingredient into the debate. The hon. Gentleman has assailed them on account of their religious opinions. Now I did hope that we might have been spared such a subject to-night. Dissenters have as much right to be magistrates, or members of Town Councils, as the hon. Gentleman himself, or anybody else. I did hope that the days had gone by when a man's religious opinions were to be made a ground of charge or quarrel against him. Well, these gentlemen were unanimously selected by the Town Council of Leicester; and the only thing against them is, that they voted for the unsuccessful candidates at the last election. But was any of those who voted for them accused (however falsely) of bribery? If not, I don't see how it can be made a matter of accusation against any Gentlemen, that they voted on that side of the question. Sir; the debate to-night has assumed various shapes. We have had three kinds of public exhibitions —tragedy, comedy, and farce. The performance commenced with all the tragic dignity of an impeachment of a Minister. Then we had the amusing comedy, or interlude, between the hon. Member for Finsbury (Mr. T. Duncombe) and the hon. Member for Knaresborough (Mr. Richards); and, finally, we had the broad farce exhibited by the last-named Gentleman in his reply. But various and amusing as the topics of debate have been, I think it has also been very useful—useful in this, that it has brought out the right hon. Baronet's (Sir R. Peel's) admission, that the popular voice ought to be respected in matters of municipal government. The substance of the right hon. Baronet's charge against the noble Lord is, that he has not made an equal selection of Magistrates, but that he has given an undue preponderance to those of his own party. If the noble Lord has done so, whose fault is it? It is the fault of the very party to which the right hon. Baronet belongs, because, as the Municipal Reform Bill passed this House, the Town Councillors would have had the power of nominating the Magistrates absolutely; and the Government, if it interfered at all, must have done so upon its own direct responsibility. As the Bill originally stood, the Minister of the Crown would have had only a negative veto upon the appointment of the Town Council, for the exercise of which veto he must in every instance have given a distinct and positive reason. The wisdom of another branch of the Legislature induced them to alter that part of the Bill; and the debate of this evening has given a pretty convincing proof of our superior wisdom in that respect. The complaint brought forward against the Government is, that they have given the Commission of the Peace to so many Liberals. I am obliged to the right hon. Baronet for making such a charge. It is an exceedingly useful charge, because, till now, the people of England did not know how much the Government has been doing for them. The right hon. Baronet has taken the trouble of informing them upon that point; and in that respect at least the people of England are very much indebted to him. The Government owe it to the country to take care of the Liberal interest; to see that it no longer shall be a crime for a man to be a Liberal. Shall that altogether prevent him from being put into the Commission of the Peace? The right hon. Baronet says—“Oh, I admit they are excellent men that are presented to you by the Town Council, but then they agree with you in opinion, and therefore they must be rejected.” That is his logic. —Sir; The right hon. Gentleman, the Member for the University of Cambridge, vindicated himself by saying, that he never appointed the Magistrates of counties. Why, Sir, I have lived long enough to know that the Chancellor issues the Commissions; but I say the practice has been to appoint Tory Magistrates. I do not complain that it has been the practice of the right hon. Baronet, whilst he was in office, to appoint Tory Magistrates. I do not know that there is any great ground of complaint upon that head. I do not complain that men have been appointed because they were Tories; but of this I think there is reason to complain, that men have been appointed to be Magistrates who would not have been so appointed if they had been Radicals or Liberals. No matter what is said, this is the fact: in the counties of England, 99 out of 100—it has always hitherto been a total exclusion from the Magistracy, if a man dared to entertain Liberal opinions. It is so even at this moment. This, however, I do hope, will be one of the results of the present debate, that the Government will no longer see the necessity of attending to the recommendations of Tory Lords-lieutenant. In many instances I think it would be well to turn the Lieutenants themselves to the right about: but at all events this is evident, that hereafter the Government ought, in a degree, to keep itself independent of these recommendations, and then we shall not see elections influenced as they are by Tory Magistrates, owing to Liberals not having been put into the Commission in the numbers in which they ought to have been.—Sir; when speaking of the system that has been pursued in Ireland, I do not mean to impute any thing personally offensive to the right hon. Gentleman, the Member for the University of Cambridge: I speak of his Government. But really I have been turning the matter over in my mind for some time, and endeavouring to recollect whether, during the last five years, during which the right hon. Gentleman was Chief Secretary for Ireland, there was one man of Liberal opinions appointed to the Magistracy in that country. Now there might have been, but certainly I do not remember one. I am sorry he is not in the House, for I should like to ask him to tax his recollection upon that point. —Sir; I think this debate will afford two subjects for triumph to the Government. The first triumph for the Government is the publicity which will now be given to the fact, that they for the first time have nominated and given the Commission to a number of excellent persons, who joined with them in their own Liberal opinions. Their second triumph consists in the exposure which has been given to the pretence, that in the counties of England there has heretofore been fair play between Whigs and Tories. Every body knows that there has not; but the fact is placed beyond dispute by the declarations which have been made by the hon. Gentlemen opposite in the course of the present debate.

Mr. *Thomas Gladstone,* in explanation, denied that he had intended to make difference of religion a matter of reproach against any man.

Lord *Granville Somerset* wished to know from the noble Lord (Lord John Russell), whether it was on account of the private character of the individuals named that the noble Lord had refused to sanction the recommendation of the Bristol Magistrates. He was the more anxious to have an answer upon that point, because in the early part of the debate words had fallen from the noble Lord, which induced him to think that the refusal had been grounded upon the private character of the gentlemen recommended, and with respect to some of them, he felt that the noble Lord had thrown out something like a very grave insinuation. He did not pretend to know all the gentlemen who had been recommended; but he knew two or three of them independent of Mr. Alderman Daniel, and with respect to them, he would state, that he defied the noble Lord, or any one else in that House justly, to state anything that could be properly regarded as reproachful against them. The noble Lord stated broadly, that he objected to them on political grounds. If the noble Lord assured him, that that was the sole ground of objection, he should rest perfectly satisfied; but, if the noble Lord had any accusation of a personal character to prefer against them, it was only right that the parties should know what those accusations were, in order that they might have the opportunity of satisfactorily explaining. He trusted that the noble Lord would give him a distinct answer.

Lord *John Russell* said, that the noble Lord had quite misunderstood him, if he supposed, that in any explanation he had given of the circumstances alluded to, he had meant to charge those gentlemen with anything like unfitness for the office of Magistrate, or to insinuate anything of a personal nature against them. But in answering a question like that put by the right hon. Baronet, it was obviously impossible for a person, in his (Lord John Russell's) situation, to enter into the various reasons that had induced him to make such and such appointments. If it were possible, it would perhaps be highly impolitic. As to the particular observations which had given rise to the noble Lord's remark, he did not make it with special reference to the council or Magistrates of Bristol. He had made it as a general observation. He had stated the reasons of objection only in one case, that of Alderman Daniel—but as to those of other individuals, it was quite impossible that he should come prepared to state the reasons for the appointment or rejection of any one whose name might pass through his hands.

Mr. *Scarlett* referred to the circumstances attending the selection of Magistrates for Guildford, where, out of three persons put in nomination, a deaf person was selected by the Government. In the city of Norwich also, there was evidence of the prevalence of partisan policy. A list of twenty persons was prepared, in the framing of which the names of all the truly respectable and influential Conservatives qualified to act as Magistrates were studiously set aside, on a system of exclusive dealing no ways creditable to the operation of the Municipal Reform Act, and in their stead he found placed on the list only eight Conservatives, of whom two were barristers, two attorneys, two who declined to act, and two more who were superannuated. He considered the preparation of such a list for Norwich, positive evidence of great unfairness existing there in that respect; and he hoped the noble Lord would yet inquire and ascertain from intelligent and impartial persons who were really the fittest to be chosen for the important office of Magistrates in these corporations.

The *Speaker* wished to express his hope, now that the sense of the House had been so fully developed on the topic before them, that the noble Lord would feel the propriety of acknowledging that nothing had been uttered by the hon. Baronet to imply a charge of a personal nature, or which would call for any further solicitude on the part of the noble Lord in reference to that portion of the debate.

Lord *John Russell* was understood to say, that he did not retain any idea of personal imputation in the charges which had been brought against his official conduct in this affair.

Sir *Richard Vyvyan* acquiesced in the Speaker's decision, that nothing personally invidious was implied in his charges against the noble Lord's exercise of power on this occasion.

Motion agreed to.

INLAND NAVIGATION (IRELAND).] Mr. *Fitzstephen French* rose for the purpose of moving for a Select Committee to inquire into the state and condition of the Irish canals. It was not his object to interfere in any manner with the private affairs of these companies; he meant to confine himself solely to that system of combination, monopoly, and intimidation, which had, for a long period, prevailed on them, through which many lives had been lost, and by which the country was deprived of the advantages which might naturally have been expected as the necessary consequence of their formation. He did not consider such an inquiry could be fairly objected to; and when the House, in addition, would take into consideration the very large sums of public money which had been granted to both these bodies, 400,000*l.* to the one, and 250,000*l.* to the other, they probably would agree with him, that it was not only desirable for, but incumbent on, Parliament to institute it; he was also anxious that the Committee should direct their attention to the state of the tributary rivers falling into the Shannon, on the state of which their information was at present very confined. It was known, generally speaking, they laboured under similar disadvantages as the Shannon, but as to the particular nature of the obstructions, or the cost of removing them, every person who had been examined on the subject seemed totally ignorant; these rivers were neither few, nor unimportant: for the information of the House he would briefly enumerate them, taking them in the order in which they fell into the main river; the Shannon was generally divided into four parts; the first of these was from the sea to Limerick; here were the rivers Moy, Feale, Brick, Geale, and the estuary of the Cashen; on the other side was the Fergus, five miles in width, at present navigable to the town of Clare, for vessels drawing sixteen feet water; at a trifling expense the navigation could be continued through the Upper Fergus to the town of Ennis; this river had, in the shallowest places, at the lowest summer level, from thirteen to fourteen feet of water, and generally from eighteen to twenty-five; it flowed through the heart of Clare, a district unsurpassed in fertility; the second division was from Limerick to Portumna, part to Killaloe, under the direction of the Limerick Navigation Company; the remainder, Lough Derg, under the control of Government, traversing the Scariff, the Rossmore, the Cappagh, and Ballysheale rivers; the third division was from Portumna to Athlone, under the management of the Grand Canal Company; here, on one side was the Upper and Lower Bresna, and, on the other, the Suck, a river described by Mr. Rhodes, in his able Report of 1833, to be little inferior to the Shannon itself; it found a circuitous course of about sixty miles—passed by the towns of Roscommon, Athleague, Mount Talbot, Ballyforan, Ballygill, and through the town of Ballinasloe; more money was expended in making a canal for twelve miles in this direction, than would have rendered this river navigable for steam-vessels to Ballyforan, a distance of twenty-five miles; so far back as the year 1715, an Act passed the Irish Parliament for making this river navigable to the town of Castlerea; into the last division, that from Athlone to the source, fall the Inny, the Camlin, the Carnedoc, and the Boyle waters—the two latter flowing through the most fertile portion of Roscommon, a district almost exclusively devoted to grazing, from the want of means of conveying the produce of their soil to market. Mr. Mullins declared that, for a few thousand pounds, the benefit of forty miles of Inland Navigation, through these rivers, could be given to this county and the counties adjoining it; all these rivers, and there were several others he had not thought it necessary to name, were, at present, for navigation, totally useless. The various petitions he had presented to that House, stated them to be choked up with mill-dams, eel weirs, and other obstructions, by which thousands of acres in the country adjoining them were annually injured. How was it, he would ask, that a magnificent river, such as the Shannon was universally admitted to be, with tributary streams, such as these flowing into it, running through the most fertile portion of a fertile country, had been, up to the present hour, almost useless for the purposes of inland transport, and for the promotion of industry?—that was a question not only of great local but of national importance—one equally affecting the manufacturing prosperity of England, and the agricultural welfare of Ireland—one which afforded a curious illustration of Irish government and of Irish history; it would be a mistake to attribute that phenomenon solely to that want of union for national purposes—to that total absence of combined enterprise which had long been the distinctive mark, and the destructive bane of Ireland. The policy of Government, from a remote period to the present day, had materially contributed to render that magnificent river useless to the nation it was destined to civilise and enrich: no improvement was made in its navigation—no approaches to it from the interior of the country on either side were made, or would have been permitted to have been made, by successive Administrations, who regarded it merely as a line of defence between three provinces of Ireland and the fourth; and it had, up to that moment, but little connexion with the interior, whose inhabitants knew its waters but as the organ of destruction—as the source of wide-spreading waste. After a good deal of research on this subject, the first indication he found of any desire, on the part of Government, to put an end to this baneful policy, was contained in the instructions given in 1664, by Lord Ormond, to the Council of Trade; but, although these instructions were given, nothing was done; it was not, until the commencement of the last century that the state of that river occupied public attention, and the attention of Parliament. In 1703, 1709, 1715, Committees were appointed, and Bills passed through Parliament for the improvement of its navigation; in 1729, an Act was passed, declaring it was fit and expedient that works of great public utility, such as this, should be carried on at the expense of the nation; in 1767, the principle of contribution was introduced, afterwards so advantageously adopted by that House in the case of the highland roads of Scotland, 6,000*l.* having been granted for the improvement of the Shannon on condition of a further sum of 10,000*l.* being supplied from other sources; in 1780—but he would not detain the House by a recapitulation of Acts of Parliament—suffice to say, resolutions were entered into by the grand juries of several counties, declaratory of the necessity of opening the navigation of this river. Various grants of money for this purpose were made by the Irish House of Commons; but through the want of connexion in the different undertakings—the absence of any plan embracing the entire river—the jarring of the different interests—and, more than all, the low state of engineering skill, the money granted was wasted, and the object sought for unobtained. The fault was not with that body so oft, so unfairly calumniated—the Irish House of Commons. Out of a trifling revenue, grants nearly amounting to 600,000*l.* were made for the improvement of the Inland Navigation of the country. By that the nation had been saved the payment of 100,000*l.* a year bounty for the importation of corn into Dublin; and Ireland which, fifty years ago, imported to the value of half a million sterling, now exported, in that article alone, to the value of several millions. However their Parliament might be blamed for a lavish expenditure of public money, it could not be denied they created trade where it never had before existed, and materially improved what was their best, their only resource—their agriculture. Had the 2d Geo. 1st, c. 10, been carried into effect, two-thirds of Ireland would at that moment be within five miles of the sea, or of some river or canal communicating with it—the great difference in trading activity, so apparent to every casual observer, between the two countries would not have existed—each nation would have had the same facility for the disposal of the produce of their soils—the labour, skill, and industry of the inhabitants of both would have been on an equal footing—and Ireland, equal in prosperity to England, would furnish a far different proportion of the national revenue from that she was then capable of doing. The only objection he could imagine likely to be made to granting him the Committee he sought for was, the existence of the Commission under the Shannon Improvement Act of last year. Having attentively examined the instructions given by his Majesty's Government to the gentlemen composing that Commission, which had been laid on the Table of that House on the motion of his noble Friend, the Member for Leitrim, he confidently asserted, there was not anything, either in the Commission itself or in the instructions, which could be fairly urged against his motion. The Commissioners were desired to report what works were necessary, to estimate their expense, and to determine the districts directly benefitted by the improvements about to be made. They were also to determine the portion of the expense to be borne by these districts, to adjudicate compensation, to fix the rate of toll, and to ascertain proper places for havens, piers, and wharfs. Independent of those duties which were prescribed to them in the Bill, there were two others:—1st, To see if it was possible to combine the useful drainage of the adjoining lands with the main object, the navigation of the river; and, lastly, to consider the engagements and liabilities of the Grand Canal Company, with respect to the Middle Shannon. This last, the only one which could be pretended to bear on the present motion, did not do so in reality. The engagement to be considered was confined to the river Shannon—to that portion of it called the Middle Shannon. It related exclusively to an agreement entered into by the Grand Canal Company, with Government in 1806, for the execution and maintenance of certain works, on condition of a sum of 54,000 odd hundred pounds being paid to them, and the navigation of that part of the river delivered up to them. This navigation had been put under their control; the sum stipulated for had been paid, but the works had not been executed, nor had the contract on the part of the Company been performed. Such had been the Report of a Committee of that House, and all the Commissioners could do would be to bear their additional testimony to the fact. What had that to do with the state of the canals or the tributaries? Notwithstanding the lateness of the hour, and his desire not to detain the House, he could not sit down without drawing their attention to the assistance and encouragement given by other Governments to the developement of the resources of their countries by means of inland navigation. The wealth and enterprise of the people of England had, from private sources, rendered Parliamentary assistance needless. Private speculation had given her the advantage of more than 5,000 miles of canals and navigable rivers, but no other nation was similarly circumstanced. Elsewhere, national assistance was required, and had been universally afforded. Ireland, with a population of 8,000,000, had but 340 miles of canal. He would ask the right hon. Gentleman, the Chancellor of the Exchequer, who was, he understood, to reply to him, ought such a state of things to remain?—ought they not rather to learn wisdom from the example shown them by the Parliament of Ireland, by the countries adjoining them, and by the United States of America? Considering, as he did, that facility of transport was the first step towards the improvement and civilization of a country, he called on England no longer to suffer Ireland to remain, both physically and morally, an exception to every general rule by which the prosperity of nations was advanced. He would now beg leave to move for a Select Committee to inquire into the expediency and practicability of improving the navigation of the rivers Suck, Fergus, Bresna, and the other rivers flowing into the Shannon.

Mr. *Shaw* seconded the motion on a subject which, he was happy to believe, every Irishman would gladly combine to promote.

Lord *Morpeth* thought the main object of the motion would be better obtained, when the time would arrive for entertaining it effectively, by separating it from the latter portion of the Resolution.

The *Chancellor of the Exchequer* thought, that the best way of advancing the object the hon. Gentleman had in view was, to begin by obtaining from the engineers who had charge of the improvements in that district, the preliminary information as to the levels of the broad water on the Upper Shannon, &c. That done, the hon. Member should have his best assistance. But as any attempt to effect the object of his motion, at present, must be premature, and would only confuse the whole proceedings for the improvement of the lower part of the river Shannon, he must advise the hon. Gentleman to withdraw his motion.

Motion withdrawn.

HOUSE OF LORDS,

Wednesday, March 30, 1836.

Minutes.] Bills. Read a third time:—Bankruptcy, (Ireland). Petitions presented. By the Duke of Leinster, from Antrim, in favour of Mr. Buckingham's Claim.—By Viscount Melbourne, from Glasgow, for a repeal of that portion of the Abolition of Slavery Bill relating to Apprentices.—By several Noble Lords from various places for Alteration of Ecclesiastical Courts Consolidating Bill.—By Lord Hatherton, from Plymouth, for an alteration in the Corn Laws.—By Lord Templemore, from Sutton in Wexford, for the Abolition of Tithes.—By Lord Lyndhurst, from Dublin, against the Corporations' Reform (Ireland) Bill; and from Bristol, against the Suppression of the Bishopric of Bristol.

Letter Stealing, (Scotland).] The Duke of *Richmond* stated, that he trusted that this Bill would be altered. He believed that the object of this Bill was to prevent Magistrates in Scotland taking bail in cases of letter-stealing, which they were now able to do. This he thought was going against the principle of a measure that was passed last year, by which the powers of taking bail were enlarged. He did not see why there should be any alteration in the great object in view—namely, that no person should be sent to gaol if he could get sufficient security that he would appear and take his trial in due course of law. This principle had been established in England, and, he believed, also in Scotland, by the recent Act; but by this Bill the power of taking bail was taken from the Magistrates of

Scotland, and the Court of Justiciary alone could do so in cases of letter-stealing. He knew that the prisons in Scotland were in a much worse condition than in England. If then they wished to prevent men being committed to a gaol in England, still much more should they endeavour to do so in Scotland, for offences in which bail could instantly be taken. He did not wish to throw out the Bill, but he was anxious to call the attention of the Government to the subject, and would suggest that the measure should be postponed till after the holidays.

The *Lord Chancellor* observed, that the Bill did not prevent bail being taken, but pointed out the mode in which it should be taken for offences of this nature in Scotland. He understood that bail could not be taken byMagistrates in cases of this kind.

The Earl of *Haddington* recommended that the measure should be postponed until after the holidays.

The Duke of *Richmond* remarked, that by this Bill bail could only be taken before the Justiciary Court, which was most expensive, and would prevent those who lived at a distance from Edinburgh from obtaining bail at all.

The Earl of *Rosebery* admitted, that the Committee up stairs were of opinion that it was very desirable to allow bail to be taken in as many cases as possible. He, therefore, thought that it would be better to postpone the Bill, that they might see whether it could not be improved in this respect. If the object of the measure was to render the taking of bail more effective than at present, he believed that there would be no objection to it on the part of his noble Friend. If, however, it was to narrow the power of admitting persons to bail charged with these offences, it would require very serious consideration.

Measure postponed.

INTERCOURSE BETWEEN THE UNITED KINGDOM AND AMERICA.] The Duke of *Leinster* moved for a Select Committee to inquire into the existing facilities for intercourse between the United Kingdom and our American colonies, and to consider what improvement can be made therein.

The Marquess of *Lansdowne* did not rise to oppose the motion of his noble Friend, but he wished to observe, that he agreed in thinking it desirable that a Committee should be appointed in that House to inquire into this subject, which, indeed, was one of national importance. In giving his concurrence, however, to the motion, he did so in the full confidence that the meaning and object of the noble Duke was, to inquire into the means of facilitating the communication between the United Kingdom and the British colonies in North America, and not to direct attention to, or recommend one particular port through which the communication should be carried on. He thought that a great portion of this question was connected with a subject with which it was the duty of the Government intimately to inform themselves, and to gain that information from engineer officers who were not likely to be tainted or influenced by personal interests or considerations. He knew, that in consequence of the possibility of such an inquiry his noble Friend at the head of the Admiralty had taken steps to obtain the best information on the subject. He had directed inquiry to be made as to the best ports in Ireland for carrying on communication with America. There could be no doubt that this part of the subject had better be left in the hands of the Admiralty, by whom it would be adequately performed, than be assigned to persons who had private interests to consult. It was not only a fit subject in a commercial point of view for the serious attention of the House, but also in a military sense, and he had no doubt but that the inquiry of the Committee would lead to important and beneficial results. He would, however, suggest to his noble Friend to render the subject of his motion clear and explicit by making a slight alteration in the words of it, to the following effect: —"That a Committee be appointed to inquire into the means of facilitating the existing intercourse between the United Kingdom and our American colonies."

Motion as amended, agreed to.

ROMAN CATHOLIC RELIGIOUS ESTABLISHMENTS.] The Duke of *Newcastle* rose to move for certain Returns relative to Roman Catholic Establishments in this country. He was most unwilling to trouble their Lordships, but he felt it to be a duty incumbent on him to do so on that occasion. The object he had in view was to call upon the House to do all in their power to protect the Protestant religion in this country against any open or insidious attacks that might be made on it. He believed that the Returns he intended to move for, would, if accurately furnished, do much to inform their Lordships as to the dangerous increase that had lately taken place in the number of Roman Catholics. He felt that the religion of the country was endangered by this, and therefore he contended that they were called upon to do all in their power to rescue it from the situation in which it was placed. His attention had been recently called to this subject in consequence of some observations which he had seen in a newspaper, and certainly they were well worthy of the consideration of the House. He would beg leave to read to their Lordships an extract he had found in the Newcastle journal.

> "Respecting Great Britain, we have information of its progress of a painful character. About forty years since, there were but thirty chapels in Great Britain; in the year 1835 there were 510. In that year eleven new ones have been built. In Dover, and also in Kidderminster, a Protestant chapel has been converted into a Papal chapel. They will—with praiseworthy zeal if it were in a right cause,—build a chapel where they have not a dozen members; and this chapel is sometimes filled, by the zeal of those members, from the neighbourhood. There are said to be now 700 ecclesiastics in this island, and they have resorted in several places to preaching in the open air. Popish colleges and seminaries are multiplying, and these are modern institutions. There are now eight Popish colleges and fifty-two seminaries; and in many of them great decorum and application to their object is manifested. Monasteries and nunneries are also beginning. With these efforts are connected several tract societies; they have been very active in distributing tracts in favour of Popery at the doors of meetings and churches; and the Scotch church, near Covent-Garden, at the evening service in the church. They have formed schools adapted to attract the children of the poor, giving public breakfasts and clothing the children, and thus getting the parents to attend mass. The chief body of the reporters for the public journals are said to be Irish papists. While a few of the higher classes, many of the lower, it is believed, have been entrapped into this snare of the enemy. In Scotland there once were but very few Roman Catholic families, there are now, in Glasgow, 30,000 Roman Catholics; and it is believed that there has been an increase of Popery in the eastern as well as the western coast. I am credibly informed that since the year 1815, large sums have been remitted from the Continent to this country and Ireland, for the purpose of promoting Popery; my informant puts the sum at 400,000*l.* and stated the name of the person to whom the distribution of it is assigned."

The passage he had read purported to be taken from a book recently published on the progress of Popery, and written by the rev. Edward Bickersteth. He had said enough he was sure to convince their Lordships of the danger which threatened the country, and he would conclude by moving for Returns of all Roman Catholich chapels, with the dates of their erection; also Returns of all monastic establishments, distinguishing whether for monks or nuns, together with the number in each; also for a return of all Roman Catholic colleges and seminaries in England and Wales, distinguishing those which belonged to the Jesuits; and also of the number of Roman Catholics in Great Britain in the year 1799, and their progressive increase down to the present time. If this latter Return could not be made, he would propose that a Return should be made of the number in 1828, and each year to 1835.

Viscount *Melbourne* had no objection to some of the returns moved for by the noble Duke, as he did not see that any harm could arise from them; but he wished to state, with respect to several points of the motion, that they could not be complied with, as the information called for could not be obtained, Government having no power to enforce the communication of it. They could make the return as to the number of licensed places of Roman Catholic worship, as they could of all other dissenting places of worship, and also the dates when they were certified, in order to be licensed. These returns could, without difficulty, be obtained from the clerks of the peace in the several counties. The second motion, with respect to the monastic establishments, and the number of residents in each, the noble Duke knew that there was a provision in the Roman Catholic Relief Bill requiring a register of all males in the monastic establishments, and if, after that period, any members were admitted, there were severe penalties for not complying with the Act, and the parties in such establishments would be liable to punishment as guilty of misdemeanour. Nunneries were excepted from the Act, therefore it was competent for persons to establish them; but they could not obtain any information respecting them from which anything like just conclusions should be drawn. As to Roman Catholic colleges and seminaries, he would only observe that, as it was competent for any persons to establish such places for the education of persons in the Roman Catholic religion, he did not see how they could prevent it, nor could they obtain any returns respecting their institutions any more than regarding those of other Dissenters, or belonging to the members of the Establishment. With respect to information regarding the number of Roman Catholics in England since 1799 he would only add, that there were no means for ascertaining it. There was a recent return in Ireland distinguishing the number of Catholics from Protestants, but no returns of the kind had been made in this country. He believed, by the Act for the relief of the Roman Catholics, Jesuits, and members of other monastic orders were allowed to live in this country, provided they sent in their names to the Secretary of State. So far, therefore, information might be furnished, but with respect to many of the returns it was utterly impossible to make them.

The Duke of *Newcastle* thought that they might obtain the information he called for, by requiring the parish clergy to make returns. The truth was, that Roman Catholic chapels were raising in all directions, and Popery was spreading, and yet it was regarded with apathy. He had received a letter on this subject from a gentleman who did not sign his name to it, in which it was stated, that a very large Roman Catholic establishment had been erected at St. Leonard's near Hastings, and which looked more like a fortress than anything else. It was notorious, that there was a large Jesuit monastic establishment at Stoneyhurst, and he had seen the bull by which it was established, and it was described to be of the Jesuits' order. He believed that, by the Relief Act, members of the Jesuits' society might come to England on obtaining a licence from the Secretary of State; but he should like to know in how many instances this had been complied with. He trusted that their Lordships would go along with him in desiring to abolish such places as he had alluded to, which were called seminaries, but which (as we understood the Noble Duke to say) he could not help regarding as a pestilence. He trusted that their Lordships would support him in pressing for the returns he had moved for.

Lord *Holland* observed, that with respect to many of these clauses, Parliament had no power to obtain information. They had no right to inquire as to what religion a man professed. To adopt the means proposed by the Noble Duke to carry on the inquiry, would be in effect doing nothing more nor less than giving to the Protestant clergy of Great Britain the Popish power of confession as to the tenets of a man's religion. Supposing the noble Duke's suggestion was adopted, he should like to know by what means a clergyman of a parish would learn the religion of every person in his parish. He held that the first doctrine of the Protestant religion was, that no man had a right to say or to judge what were the religious opinions of another.

The Earl of *Haddington* said, that there was no doubt that what had fallen from his noble Friend as to the difficulties the parochial clergy would experience in making their returns, was to a great degree, true; but this did not apply to the religious seminaries. He thought that the noble Duke was entitled to the information if it could be furnished to him; he would, therefore, recommend him to add to his motion the words, "as far as they can be obtained."

The Marquess of *Clanricarde* thought that, though the returns as a mere matter of curiosity might be sufficiently interesting, yet no Parliamentary grounds had been laid before their Lordships to induce them to consent to their being made out. Was it the noble Lord's intention to move the repeal of the Roman Catholic Relief Bill, or to ground any such proceeding upon these returns, if they were made? He had no objection to the returns being granted, as far as it was possible they could be made, but he repeated, no Parliamentary grounds had been laid for the motion.

Lord *Wharncliffe* thought it was impossible to comply with some part of the motion of the noble Duke.

The Marquess of *Lansdowne*, on behalf of the parochial clergy of the country, protested against their Lordships imposing so arduous a duty on them as was proposed by the noble Duke. What was to prevent any of their Lordships, if this motion were complied with, from calling upon the parochial clergy of the country to furnish a return of the number of Baptists, Methodists, or of any other sect, if such a return he might find necessary either to gratify his curiosity, or appease his apprehension? Any noble Lord in that House who might have a desire to put down those "pestilences," as the noble Duke was pleased to term those bodies of conscientious men who had formed themselves into societies through the country, might, upon that pretence, call for returns, to which it would be quite impossible for their Lordships to consent. No matter, however, what the nature of the motion might be, he protested against any Peer of that House applying such a term to any society of conscientious Christians, of whatever denomination. So far as any information could be obtained he had no objection to its being given; but he once more protested against imposing the duty on the parochial clergy.

The Marquess of *Clanricarde* begged to remind the Noble Duke (Newcastle) that the Jesuits, as an order, were as fully suppressed by the Pope as the noble Duke himself could desire.

The Duke of *Newcastle* hoped their Lordships would not let it go forth to the country that they had refused any information in their power on this important subject. He should advertise in the public papers for any information that could be forwarded to him on this subject.

The Earl of *Winchilsea* said, that the provisions of the Relief Bill, relating to monasteries and societies of Jesuits had been evaded.

The motion amended was agreed to.

HOUSE OF COMMONS,

Wednesday, March 30, 1836.

MINUTES.] Bills. Read a first time:—Excise Licences' (Ireland); Land Tax Commissioners Names; Court of Session (Scotland); Bankrupts' (Ireland).

Petitions presented. By Colonel ANSON, from the Corporation of Yarmouth, in favour of the Municipal Corporations' (Ireland) Bill.—By several MEMBERS, from various Places, in favour of the Repeal of the Duty on Newspapers.—By Major CUMMING BRUCE, from Inverness, for the Repeal of all Stamps on Knowledge; from Leith, for the Repeal of the Duty on Paper; from Inverness, for a Bill for Better Regulation of the Coast Light; and from the Fishermen of the Moray Forth, against the Salmon Fisheries' (Scotland) Bill.—By Lord SANDON, from Liverpool, for the Abolition of the Duty on Salt; from the Presbyterians in Lancashire, that their Ministers may perform the ceremony of Marriage in private Houses; and from Montreal, against the Alteration of the Timber Duties.—By Mr. AGLIONBY and Mr. BINGHAM BARING, from the Licenced Victuallers of Cockermouth and Winchester, for the Repeal of the Duty on Licences.—By Mr. THOMAS DUNCOMBE, from Gravesend, for Inquiry into Lieutenant Colonel Bradley's Case.—By Mr. WAKLEY, from Chichester, for the Abolition of Flogging in the Army; from Stanton, for the Repeal of Mr. Sturges Bourne's Act; from St. Marylebone, that the ATTORNEY-GENERAL, be instructed to file a Criminal Information against the Orange Association; from Brighton, for the Repeal of the Septennial Act; and from Finsbury, that Evidence in Cases of Summary Jurisdiction be taken in Writing and preserved.—By Mr. HARVEY, from Chichester and Hereford, for Inquiry into the Pension-List; and from Colchester, that the Elective Franchise be extended to all Burgesses created by the Municipal Reform Bill.—By Sir JOHN YARDE BULLER, from Buckfastleigh and Dean Prior, for Relief from the Horse Tax.—By the LORD-ADVOCATE, from the Merchants of Leith, for a Bill regulating the construction of Merchant Vessels; and from the Solicitors of Leith, for the Abolition of the Tax on Attorneys' Certificates.—By Mr. FOX MAULE, from the Handloom Weavers of Glasgow, complaining of Distress and asking for Relief.—By Mr. HUTT, from the Wine Merchants of Hull, for the Equalization of the Duty on Foreign Wine.—By Mr. MARSLAND, from the Dissenters of Newcastle-upon-Tyne, for the Endowment of New Churches in Scotland, and for the discontinuance of the Regium Donum.—By Mr. SHAW, from the Corporation of Tailors (Dublin), against the Municipal Corporations' Bill (Ireland).—By Mr. WAKLEY, from Northampton, for the Repeal of the Poor-Law Amendment Act.—By Mr. HAWES, from St. Clement's Danes, for increasing the Penalty on Sunday Trading.—By Mr. CALLAGHAN, from Balyhooly and Killatly, for the Abolition of Tithes (Ireland).

CHURCH OF IRELAND.] Mr. *Mark Phillips* presented a Petition, agreed to at a very large and respectable meeting held in Manchester, on the subject of the Irish Church. The Dissenters of that town were among the petitioners, as were all interested in the prosperity and welfare of Ireland, and anxious for the removal of the grievances which press upon the Dissenters from the Established Church. The petitioners stated their regret at the measures hitherto introduced and adopted on the subject of the Established Church, and to enforce its acceptance by the Irish people; they believed that any connexion between Church and State was injurious to the interests of religion, and they desired the abolition of the abuses allowed to exist in the Church of Ireland. They complained that the property of the State should be appropriated to the support of the religion of a very small section of the people, and they therefore prayed that, after the due maintenance of the Irish clergy, the surplus should be applied to national purposes. They stated, that the Dissenters of the United Kingdom had waived their claims to a redress of grievances till the present Session, in the hope that they would be dealt with in a more complete manner than hitherto. They also prayed that the grant to the Dissenters in Ireland, called the *Regium Donum*, might be withdrawn, and that the revenues of the Irish church should be resumed by the State. They prayed that the Bills for the registration of births, deaths and marriages might pass this Session. They further prayed that the Ecclesiastical Courts might be abolished. The petition was signed by 32,000 individuals, Dissenters and other inhabitants of Manchester. It was his duty to state to the House what their views and feelings were. He must say, that he did not cordially assent to some portions of the petition; but the portion to which he cordially gave his support was that which prayed for the redress of the grievances of the Dissenters during the present Session of Parliament. He most cordially gave his support to that part of it which prayed for the civil registration of births, marriages, and deaths, and also to that portion which prayed for the abolition of one of the greatest nuisances—he meant the present system of the Ecclesiastical Courts. With respect to the *Regium Donum,* he could not enter into the question. He was only speaking the sentiments of the petitioners, who objected to the grant.

Mr. *Arthur Trevor* had been solicited to protest against the sentiments contained in the petition just read by the hon. Member, which could be considered as like travelling at the rate of twenty miles an hour. The hon. Member was proceeding when

The *Speaker* inquired if the object of the hon. Member was to object to the petition being laid on the Table? [Mr. *Trevor*: "No!"] If that were not the case, he begged to ask the hon. Member whether he thought right, where there were so many subjects referred to in the petition, to consume the public time with discussions on the petition, when ample opportunity would be afforded for that purpose when the subjects referred to in the petition were brought in a distinct form under the consideration of the House? Unless it was the intention of the hon. Member to oppose the petition being laid on the Table, it was better to allow the business to proceed.

Mr. *A. Trevor* said, that he was induced to offer the few remarks he had made in consequence of the language contained in the petition, and he was disposed to oppose its being laid on the Table; but as the sense of the House appeared to be against him, he would not trouble them with any further observations.

HULL AND SELBY RAILWAY.] Mr. Bethell moved the third reading of the Hull and Selby Railway Bill.

Colonel *Sibthorp* opposed the Bill; and moved that it be read a third time on this day six months. It was one of the speculations of the day, the shareholders being chiefly resident. These railway gentlemen drove their lines through a man's grounds and gardens without even asking his consent, so that the old saying every man's house is his castle, was no longer true, for though the King could not enter it, these railway speculators could, and pull it down about his ears.

Mr. *A. Trevor* seconded the amendment. According to all the information which he had been able to obtain, the case of the gentleman alluded to by his hon. and gallant Friend, appeared to be one of peculiar hardship. He admitted, that private interests must yield to the general interest of the community at large, but the former ought not to be unnecessarily injured. The line which the gentleman in question wished the company to adopt, instead of that which they had determined on, would not occasion more than a minute and-a-half's delay. If ever there was a case in which the House was called upon to protect the rights of an individual, the present was such a case. Whatever might be the fate of the amendment, he should have great pleasure in standing by his hon. and gallant Friend. It was not the first time he had had that high honour.

Mr. *Hutt:* The Committee had reported, and he thought justly, in favour of the Bill. There was no line more advantageous, and the chief opposition came from a gentleman whose house was not approached by the railway nearer than three quarters of a mile.

Colonel *Thompson* hoped the House would not allow an individual to defeat a measure of public utility, which the Committee approved of.

The House divided on the original question.

Ayes 128; Noes 9—Majority 119.

Mr. *Lawson* moved the introduction of a clause to prevent Sunday travelling on this railroad.

Mr. *Warburton* did not understand the hon. Member as bringing forward an objection to Sunday travelling in general; and, undoubtedly, the mode of locomotion upon railways was the least objectionable of all, as employing the fewest number of men, and the least amount of labour. He should oppose the bringing up of this clause.

Mr. *Hume* could not conceive what necessity there was for this clause. The proprietors of the railroad had full power to prevent Sunday travelling upon it if they pleased.

Mr. *Robinson* said, the hon. Member should bring forward a general proposition, if any, upon the subject, and not introduce it in reference to a particular railway.

Sir *Robert Inglis* thought the hon. Member had better not press the motion, though, if he did so, he should consider it his duty to support him.

Mr. *O'Connell* was surprised that hon. Members should object to Sunday travelling on the railway, seeing that it would be attended with this one great advantage —that it would enable persons to select among a greater number of churches.

Mr. *Trevor* said, there might be a great deal of wit in the hon. and Learned Member's observation, but there was no argument. It was very desirable that the same sort of exemption should be extended to all railways.

Mr. *Potter* said, he hoped the House would not sanction this attempt to prevent Sunday travelling.

Colonel *Sibthorp* would not vote for the hon. Member's motion. The projectors of this Bill made loud protestations about the wonderful liberality of their intentions and their desire to afford opportunities of cheap travelling to the poor, yet by this clause they sought to hinder the lower classes from availing themselves of this cheap travelling on the very day most open to them. The projectors themselves, he would dare to say, would have no scruple about travelling on Sundays in their carriages and on horseback. The short of the matter was, that their professed liberality was all a pretence; they cared for nobody but themselves, and he would pronounce of this, as of most other such speculations, that it was a mere selfish project.

Colonel *Thompson* said, he stood in a rather peculiar situation on the subject of the Bill. The religious classes in Hull knew there were special reasons why, if any invasion were attempted of their freedom or privileges, he must of necessity be the first to join them, and the last to quit. But he must say to them distinctly, he could not support them in their unreasonableness. He did not see that any such invasion was attempted here. There was no endeavour, that he was aware of, to force any of his worthy friends, the Methodists of Hull, to travel on this railway on Sundays against their consent; and if a clause to that effect should ever be proposed, they might depend upon its meeting his most strenuous opposition. From what he had just heard he gathered that he was right in his persuasion, that the proprietors of the railway had power to make any regulations for the travelling on it they pleased. Now, if this House was applied to by certain individuals, requesting us to shut their mouths in the dog-days, lest flies should enter in, should we not reply to them, "Shut them yourselves." Allusion had been made to something he had said in the Committee, and therefore he was under the necessity of repeating it here, leaving it to obtain such credence as the belief of his capability for giving evidence might procure, that in 1808 he was going as Governor to Sierra Leone, and Mr. Wilberforce, as would readily be believed, gave him advice on many subjects, which no man could do better than to follow; and, among other things, said to him, "That, for his part, he did not believe the Sabbath to be of Divine obligation upon Christians, but he thought it an excellent political institution, and hoped the Government in Sierra Leone would do everything in its power to uphold it."

The House divided on the question, that the clause be brought up.

Ayes 14; Noes 101—Majority 87.

Bill passed.

LORD BRUDENELL.] Sir *William Molesworth* said, he wished to aska question of the noble Lord the Secretary at War. Having read the decision of a court-martial, in which it was stated that there had been introduced into the 15th regiment of Hussars "a practice which (the court-martial said) cannot be considered otherwise than revolting to every proper and honourable feeling of a gentleman, and as being certain to create disunion and to be most injurious to his Majesty's service;" having read, likewise, in a general order from the Horse Guards, that "his Majesty has been pleased to approve and confirm the finding of the court;" and likewise that "his Majesty has been pleased to order that Lieutenant-Colonel Lord Brudenell shall be removed from the command of the 15th Hussars;" he wished to ask the Secretary at War whether, without this decision being previously cancelled, without its being solemnly proclaimed to the army as being most unjust and false, it can possibly be true that the noble Lord in question is appointed to the lieutenant-colonelcy of the 11th Light Dragoons? If it be true that such is the case, he wished to know likewise whether the Secretary at War had approved of and sanctioned this appointment?

Viscount *Howick*, in answer to the

question put by the hon. Baronet, could only say, that it certainly was true that the noble Lord referred to had been appointed to the lieutenant-colonelcy of the 11th Light Dragoons. Having stated this fact, which the hon. Baronet was equally aware of before from having seen it gazetted, in answer to the second part of the hon. Baronet's question—namely, whether that appointment had taken place with his (Lord Howick's) sanction, he could only say that the hon. Baronet, by the fact of asking such a question, had shown himself to be quite unacquainted with the practice adhered to in making these appointments. The duty of a Secretary at War, as many hon. Members from experience knew, and particularly the gallant officer opposite, was confined to watching over the arrangement of the finances appropriated to the army. He had no concern or right whatever to interfere in any respect in army promotions, appointments, or in anything connected with the discipline or internal management of the army; for all that related to such matters, the Commander-in-chief, and he only, was responsible. According to the usual practice, the Secretary at War was never made aware of any intended promotion or appointment until the Horse Guards minute had actually been approved by his Majesty, and sent by the Commander-in-chief to the War-office. The Secretary at War had no more to do with military appointments than the hon. Baronet had. This was the usual course; but in the present instance he could not say that the usual practice had altogether been adhered to, for in point of fact he had been aware, before the appointment in question was submitted to the Crown, that such an appointment was intended. When he was apprised by the Commander-in-chief of the contemplated appointment, his answer was, "It is for your Lordship to determine upon it: I have no means of judging whether the appointment is right or wrong; your Lordship is the responsible party, and it, therefore, rests altogether with your judgment. If you think proper to make the appointment, I have no possible grounds upon which to object." He (Lord Howick) had said, that he had no grounds upon which to object, because he had found in the records of the War-office, that a few months before the court-martial took place which led to the removal of the noble Lord from the 15th Hussars, a correspondence had taken place between his right hon. Friend, the Member for Coventry, then Secretary at War, and the Commander-in-chief, the result of which had been the full acquiescence of that noble Lord in the rule very properly laid down for his adoption by the right hon. Gentleman—that no officer "should be removed from full to half-pay but who was not considered by the Commander-in-chief fit—from his character and conduct—to be called again into active service, if the Commander-in-chief should think proper." This being the principle fully admitted by Lord Hill in November, 1833, and the noble Lord now in question not having been put by him on the half-pay list in March, 1834, it was manifest that the noble and gallant officer must at that time have been considered by the Commander-in-chief as eligible in every respect to be called into active employment when the occasion should be considered by him to arrive. He (Lord Howick) had therefore considered that he had no right whatever to object to the appointment, and that it might be very possible, for all he was entitled to know to the contrary, that among all the candidates for employment, the noble Lord had made the most fitting selection. Upon this point there were no documents within the reach of the Secretary at War which might enable him to form an opinion. He would repeat, the appointment had certainly taken place, and with his knowledge, and without any objection on his part; but at the same time without his sanction—in this sense, that, as he had before said, as Secretary at War, he had not been called upon to give or withhold his consent.

Mr. *Hume* said, that the noble Lord having very honestly and candidly stated that he was not responsible for these matters, he should beg leave to ask the noble Lord, in the name of the Commons of England, who was. It was fit that somebody should be responsible to the country for the management and control of the army, and moreover, that the country should know who that responsible person was. The government, responsible to the country for the general conduct of its affairs, intrusted to a noble Lord the management and superintendence of the internal affairs of the army. He (Mr. Hume) wished it to be understood, whether that noble Lord was independent of all responsibility, and whether his acts, as Commander-in-chief, were to be subject to no control from any quarter whatsoever?

Was the Secretary at War, in point of fact, as he (Mr. Hume) had really stated the case to be, merely a clerk to the Commander-in-chief? It was necessary that the country should be put in possession of the real nature of the case, and that it should be understood whether the party exercising the entire control and management of the army was or was not subject to the same responsibility which attached to Ministers themselves.

Lord *John Russell* would offer a few observations upon what had been asked, without, however, going much into the question, upon which he rather agreed with the hon. Member, in reference to the powers of the Secretary at War as regarded the Commander-in-chief. But so far as regarded appointments and promotions in the army, the discretion was placed, and he must say by no means improperly placed, in the Commander-in-chief. If the Commander-in-chief, being the person of the highest station in the army, and necessarily acquainted with the merits of the different officers serving in it, did his duty, he was responsible for the appointments and promotions made by him, his Majesty's Ministers, the First Lord of the Treasury, being responsible for advising his Majesty to adopt the recommendations of the Commander-in-chief in such cases. If, on the contrary, his Majesty's Ministers were of opinion that the discretion so lodged in the Commander-in-chief was wrongly exercised, that it was not exercised in such a manner as to benefit the army and do credit to the service, he should say the responsibility, in such a case, fell upon the Ministers, for not advising his Majesty to remove the Commander-in-chief. So that, in his (Lord John Russell's) view of the matter, while Lord Hill continued Commander-in-chief, he was, no doubt, responsible for the due execution of his duties, and for taking care that all the appointments and promotions made by him, should be founded upon his unbiassed judgment of the merits of the respective officers, and their position in the service. For the general discretion, and confidence placed by Government in the person holding the office of Commander-in-chief, he (Lord John Russell) was ready to take his share of responsibility, for he thought that if a Ministry were of opinion that the person holding so important an office was not properly and conscientiously performing his duties, it would be they, and not the Commander-in-chief, who would be responsible, for their clear duty would be to advise his Majesty to make another choice.

Mr. *Hume* wished to know whether he were right in understanding the noble Lord to have said, that the Commander-in-chief was responsible for the promotions he made, and the Ministers of the Crown were responsible for the acts of the Commander-in-chief. Then, if so, he wished to ask the noble Lord to inform him whether the act of promoting Lord Brudenell received the Ministers' sanction and approbation.

Lord *John Russell* thought he had explained the position of Ministers and the position of the Commander-in-chief. His explanation was, that the Commander-in-chief was responsible for the particular acts which he advised, and the Ministers were responsible for advising the Crown to place confidence in him. With respect to the particular act of the appointment of Lord Brudenell, he would apply to that what he had stated as to the appointments of the Commander-in-chief generally. He thought it would be exceedingly inconvenient if on each occasion of the appointment to a lieutenant-colonelcy, or other commission in a regiment, it became the practice that those who held civil situations in his Majesty's service, should intrude their opinions on the Commander-in-chief in respect to the military services of the officer. As to the case of Lord Brudenell, he, like his noble Friend (Lord Howick) was informed by Lord Hill that such an appointment was in contemplation before Lord Hill had decided on making it; but certainly he did not think proper, any more than his noble Friend, to inform Lord Hill that he had formed an opinion as to whether Lord Brudenell should or should not be placed in the situation of lieutenant-colonel of a regiment; but he did make some observations that were similar to those made by his noble Friend. He said, he thought that it was a question for the discretion of the Commander-in-chief. He had understood, from what he recollected of the circumstances, that his right hon. Friend the Member for Coventry, who was Secretary at War, asked at the time of Lord Brudenell's removal from the command of the 15th Hussars, whether he was to understand that the Commander-in-chief would not think fit to appoint Lord Brudenell to such a situation as he now held; and he believed Lord Hill stated to his right hon. Friend, that he did consider Lord Brudenell as a person, whom, at some future time, he should think it a benefit to the military service to employ again under his Majesty's command. Lord Hill having given that opinion in 1834, he considered it was a question for Lord Hill's discretion and judgment whether the removal of Lord Brudenell from active service should be followed by a continuance of that punishment—for it must be considered as a punishment—for a greater or a less period of time. He did not venture to say, that he thought it was fit at this time, or not fit, to remove him; but this much he did say, that he had full confidence that Lord Hill would form an unbiassed judgment on the subject, according to his conscientious sense of duty. Therefore he came back to what he had stated in the beginning, viz., that Lord Hill was responsible for this act, and the Ministers were responsible for confiding in him as a person fit to be trusted in the office of Commander-in-chief.

Sir *Henry Hardinge* entirely concurred in opinion with the Noble Lord who last spoke, and also with the Noble Lord who was Secretary at War, as regarded their responsibility, for the appointment under consideration. There was certainly a general responsibility, and the special responsibility rested with the Commander-in-chief. He agreed with the Noble Lord that if the Commander-in-chief conducted the affairs of the army in such a way as not to secure the confidence of the Government, it was a fit subject for the consideration of the Government whether they should not advise his Majesty to remove him from his office. He admitted the principle, and thought that was the mode in which the affairs of the army ought to be carried on. But he had heard that night, as on former occasions, that Lord Hill did so conduct himself as to merit the confidence of the Government. Under these circumstances in his opinion the act of Lord Hill was an act which was approved by the Government, inasmuch as the Government did not interfere in the individual appointments of the Commander-in-chief, unless those appointments were such as they disapproved of; in which case they were bound to remonstrate, and, if necessary, apply the remedy of removing the Commander-in-chief from his office. As to this particular case the hon. Member for Cornwall stated that Lord Brudenell was removed from the command of the 15th Hussars in consequence of the sentence of the court martial, and he had quoted the substance of it, from which it appeared that the charge against Lord Brudenell was, that he was in the habit of taking down the private Communications of officers in the orderly-room without their knowledge.

The *Speaker* suggested to the hon. and gallant Gentleman the propriety of not entering into particulars.

Sir *Henry Hardinge* was not going to enter into the particulars. He was only about to state, that the noble Lord, when he was removed from the command of the 15th Hussars, in consequence of the verdict, did petition the King praying that he would allow him to be tried by a general court martial, and declaring that he never had—

Mr. *Hume* rose to order. In his opinion, they ought either to enter into the subject fully and fairly, or not go into it at all. The right hon. Gentleman had introduced details into the debate which were not noticed in asking the question. He put it to the right hon. Gentleman whether he thought it right to enter into a general discussion of the subject now:—in his opinion, the details ought to be reserved for the period when the question came regularly before the House. He protested against the right hon. Gentleman being permitted to go into particulars, unless the other side were allowed the privilege of reply.

Sir *Henry Hardinge* said, he did not wish to go into particulars; but the hon. Member for Cornwall stated a fact, and he thought it but fair that he should be allowed to rebut that fact. Lord Brudenell, so far from assenting to the justice of the sentence upon him, petitioned the King praying his Majesty to order that he should be tried by a general court-martial. The King, however, did not acquiesce in his request; thinking, probably, that it would be injurious to the service to do so. But it was intimated to Lord Brudenell, that the case being one of discipline only, he might expect to be reinstated in his original position after a time. The Secretary at War of that day asked the Commander-in-chief if he considered the conduct of Lord Brudenell such that he should be permanently placed on the half-pay list, or temporarily as a punishment merely? the answer was, that he was placed on half-pay for the purpose of being restored to the service on a future occasion. It followed that the sentence of the court, in the estimation of the Commander-in-chief was not such as to call for the permanent removal of Lord Brudenell from the active service of the King. He had taken steps to ascertain what were the impressions entertained on the subject by persons at head-quarters; and he could state them to have been, that there was no intention to fix Lord Brudenell permanently on the half-pay list, but on the contrary to restore him, after a time, to active service. He begged to add, that he never saw an appointment with more satisfaction than he did that by which the noble Lord was placed on full pay. It was an appointment by which the gallant Officer was restored with honour to the service; and he was satisfied that in his future career he would do that appointment credit.

Captain *Curteis*, as a Member of the court martial referred to, begged to ask the right hon. Gentleman opposite whether he meant to impugn the justice of the verdict of that court?

Sir *Henry Hardinge* had never advocated the system of canvassing the sentences of courts martial in that House, and he had not done so on the present occasion. That being the case, he begged to say, in Parliamentary phrase, that the Gallant Officer ought not to ask him a question of that kind.

Mr. *Curteis* disapproved, as well as the right hon. Gentleman, of the interference of that House with the discipline of the army. He was glad the question had afforded the right hon. Gentleman the opportunity of making a satisfactory reply.

Lord *G. Lennox* said, he had the honour of commanding in the army for twenty-four years, and there was no one transaction in his military life which gave him more satisfaction than he derived from seeing the name of Lord Brudenell restored to the army. He should not feel that he had acted with justice towards Lord Brudenell if he did not make that declaration boldly in the face of military men.

Sir *William Molesworth* gave notice that soon after Easter, he should move a humble Address to his Majesty on the subject of this appointment. In the course of this evening he should move for Copies of the Correspondence referred to by the gallant Officer opposite.

Sir *H. Hardinge* asked what the hon. Gentleman meant by correspondence?

Sir *William Molesworth*: The Petition and the Answer.

Sir *H. Hardinge* said, he knew of no correspondence but the Petition of Lord Brudenell, and the answer received to it. As to those documents, he had no doubt the hon. Member would be as much gratified as he was on seeing them, if the hon. Member had the feelings of a Gentleman, which no doubt he had.

Lord *Howick* suggested, that the hon. Gentleman should not move this evening for a Copy of the Petition, as he (Lord Howick) should not feel justified in concurring in the motion, or, indeed, in any motion for the production of any Papers on the subject, till he had been afforded an opportunity of communicating with Lord Hill.

Subject dropped.

FOREIGN AFFAIRS—CRACOW.] Mr. *Patrick M. Stewart* said, seeing the noble Lord, the Foreign Secretary in his place, he wished to put to him one or two questions of great importance with respect to our national honour, and of vital importance to the commercial interests of this country. In the course of the recent discussion which took place, relative to the late unfortunate events at Cracow, the noble Lord stated, that communications had been made on that subject with the Ministers abroad. The first question which he wished to ask the noble Lord was, whether amongst the parties he had communicated with were included the authorities of Cracow itself; and whether any answer to his communications had been received? The second question he had to ask the noble Lord was, whether he had received any official notice of events which it was said had occurred affecting the victims of Cracow since the occupation of that place? Was the noble Lord aware that the Polish Refugees, having been induced to pass out of the district in which they were, instead of being forwarded to the place of their destination, had been delivered up by the three powers into the hands of Russia, and had been marched, in all probability, to Siberia or to Tobolsk? His next question had reference to our commercial interests. He begged to ask the noble Lord if he had information of an attempt on the part of Russia to close the mouths of the Danube by certain quarantine regulations. He begged also to express a hope that the noble Lord would inform the House whether it was the intention of the Government to interfere to prevent this further violation of the treaties of Vienna and Adrianople, by both of which it was declared that all the navigable rivers traversing the European states should be free and open in their course to the whole of Europe.

Viscount *Palmerston,* with reference to the first question, had to say, that he had received answers from most of those Ministers to whom he had written for information respecting the affairs of Cracow; but he had not had any communication with the authorities of Cracow themselves on the subject. It was the intention of the Government, when first they heard of the state of Cracow, and of the disposition to expel certain refugees from that country, to send the British Consul at Warsaw to Cracow, to obtain full information; but before the Government could give effect to their intention, they heard of the actual occupation of the town by the three protecting powers, and it did not appear to them that that was a fitting occasion for the Consul at Warsaw to present himself in the town of Cracow. It occurred to the Government that he not having any official character at that place, his presence there might rather be construed into a tacit acknowledgment of the measure which was carried into effect, or it might put him in a situation unfitting for a British officer. With regard to the second question, he had heard from two quarters that some of the refugees had been sent back to the kingdom of Poland, instead of being transferred to France or the other parts of Europe, as was originally agreed. An account to that effect had reached the British Minister at St. Petersburg, and he had asked for information on the subject from the Russian Government, by whom he was informed that they had received no notice of such an arrangement, and they did not believe that such an event had taken place; but they assured him that at all events what had been done was not with a view to subject the persons to banishment or punishment. Count Nesselrode gave it as his opinion that if there had been any such occurrence, it must have been because a certain number of individuals preferred the change, from a wish to return to Poland. He promised to make inquiries, and communicate the result to Lord Durham. With regard to the third question, he had to state, that he had not received any information with respect to that quarantine which it was said in the public papers had been imposed by the Russian Government in the mouths of the Danube. By the treaty of Adrianople, the Russian Government had a right to establish a *bonâ fide* quarantine at the mouths of that river. All the three branches of the river either fell into the territory ceded by the treaty of Adrianople to Russia, or one bank of them was bounded by the territory of Russia. But though Russia had a right to establish a *bonâ fide* quarantine, yet he thought it was indisputable that as the treaty of Vienna expressly declared that all the navigable rivers throughout Europe should be free and open to the navigation of Europe, Russia was not entitled to establish any quarantine on the Danube, which, under the pretence of preserving health, was really and truly intended to embarrass commerce. Having no official information on the subject, he could not give any other answer.

Mr. *P. M. Stewart* said, he should feel it his duty on Friday, the 15th of April, to call the attention of the House to what he advisedly and deliberately designated the aggression of Russia.

COMMERCIAL TREATY WITH PORTUGAL.] Mr. *Robinson* begged to ask the noble Lord whether he could give the House any information as to the state of the negotiations between the Queen of Portugal and his Majesty's Government affecting the commercial relations of the two countries? Another question he desired to ask the noble Lord was, whether his Majesty's Government had consented to annul the treaty which existed with the State of Frankfort, by which that State was excluded from joining, without the consent of this country, the German Confederation? If the consent of this country had been given, he should be obliged by the noble Lord stating on what grounds.

Viscount *Palmerston* was not able to report to the House that the negotiation carrying on for a new commercial treaty with Portugal had been brought to a satisfactory termination; it was proceeding, however, and he should hope that it would be attended by a satisfactory result. But at the same time he would remark, that the House must have seen by the public channels, that undoubtedly there were symptoms on the part of the Portuguese Government, of opinions on the subject of trade and commerce being entertained which were not very favourable to the conclusion of a treaty on terms of reciprocal advantage to the two countries. The hon. Gentleman must know that a tariff had been lately proposed to the Portuguese Chamber, which would be inconsistent with anything like an endeavour to establish on a liberal and advantageous footing the commerce between this country and that. He hoped, however, that the Government of Portugal would be found too enlightened to give their support to such injurious propositions. But should they be carried into effect, it would then be for the Government of this country and for Parliament to consider what steps it was necessary for this country to take, so that we might shape our course according to theirs. With regard to Frankfort, it was true that four years ago this country concluded a convention with that state, by one article of which it was precluded from making any alteration in its then existing tariff without the consent of England. It having been represented to his Majesty's Government that it was indispensable to the well-being and prosperity of Frankfort, and through that country to the well-being and prosperity of the British interests, that Frankfort should be allowed to associate itself in the German union—on that representation being made as to the state of Frankfort a subsequent convention was entered into releasing Frankfort from that which was a bar to her joining the German union, and since then the junction of Frankfort with that union had been formed. The convention to which he adverted would be speedily laid upon the Table of the House, and hon. Gentlemen would then have an opportunity of judging as to its propriety.

CANTON.] Lord *Sandon* would avail himself of that opportunity to ask the noble Lord whether it was the intention of his Majesty's Government to fill up the vacancy at Canton occasioned by the death of Lord Napier?

Viscount *Palmerston* said, that question involved some very important considerations connected with the commerce of this country—considerations, the very importance of which, he could assure his noble Friend, was one reason why the Government had paused for so long a time with regard to any measures which it might be deemed advisable to take. By the instructions sent out to the superintendents when Lord Napier first went out there, it was ordered that every vacancy as it occurred, was to be filled up on the spot, subject to the approbation of the Government at home. Pursuant to that arrangement there were now three superintendents; they were Sir G. Robinson, who had been in the service of the East-India Company, he was the senior superintendent; Captain Elliot was the second; and Mr. Johnson was the third.

SPANISH LOAN.] Mr. *Arthur Trevor* wished to ask the noble Lord whether there was any truth in the general rumour, that a negotiation was going forward for a loan for the service of the Queen of Spain, and that this country was to guarantee its repayment?

Viscount *Palmerston* had no objection to give the hon. Gentleman the information he requested, but thought he should be almost entitled to ask the hon. Gentleman in return a counter question of just the same nature. In reply to the question of the hon. Gentleman, he begged to say, that no loan had been negociated by the Queen of Spain which the Government of this country was to guarantee. He now begged to ask the hon. Gentleman, or any other hon. Gentleman on that side of the House, whether, "as he had seen it reported," a loan had been negociated for Don Carlos; and if so, upon what guarantee?

Subject dropped.

PARLIAMENTARY SURVEY OF CHURCH LANDS.] Mr. *Thomas Duncombe* moved for the Survey of Church Lands, at present in the Library of Lambeth Palace. The document in question was one of very great importance in all inquiries on the subject to which it referred: it was deposited in Lambeth Palace about the time of the Restoration, by order of the House of Commons. He considered it was a public document belonging to the country; and that that House having originally ordered its removal to the place where it now was, had a right to demand it back again.

The *Solicitor General* admitted the importance of the document in question, but expressed some doubt as to the right of that House to call for it. It was of very great importance in a legal point of view, in suits for tithes, moduses, &c.; but not many years ago, the Court of Chancery had decided, that extracts from it were to be received as evidence, so as to render its production in Court not necessary; and he understood, that there was every facility given on payment of a small fee, for the inspection of it, and if required for taking extracts from it.

Sir *Robert Inglis* opposed the motion; he denied the right of that House to demand the production of the document: in one point of view, they would be committing a great injustice in so doing; for the person in whose custody it now was received certain fees for its inspection. He had a vested interest in those fees, and that House had no just right to deprive him of it.

The *Speaker* said, that, as Chairman of the Record Commission, he could assure the hon. Member for Finsbury, that they would use their influence to procure the production of the document referred to.

Mr. *Thomas Duncombe* said, his only object was to get at the document; and, on that assurance, he would withdraw his motion.—Motion withdrawn.

COURT OF SESSIONS.] The *Lord Advocate* said, in bringing before the House a Bill for making certain alterations in the duties of the Lords Ordinary, &c.,he wished to call attention in the first place to the savings that had been made in the Court of Session and Court of Admiralty, and Court of Exchequer in Scotland. In the Court of Session and Admiralty, the savings which had actually accrued amounted already to 17,375*l.* 8*s.* 4½*d.* per annum; the prospective savings to 11,566*l.* 6*s.* 2*d.* The actual savings in the Court of Exchequer amounted to 14,996*l.* 13*s.* 4*d.*; the prospective to 7,215*l.* 11*s.* 4*d.*; amounting altogether to 51,153*l.* 19*s.* 2½*d.* The returns from the Commissary clerk were not so clearly made, but the savings by the abolition of that Court would exceed 2,000*l.* These returns, as soon as a further return was obtained from the Commissary Court, he should move should be printed after the recess; but savings to the public would take place which could not appear on any return, for from twenty judges being reduced to thirteen, and six principal clerks to four, a very considerable saving would take place in the amount of retiring allowances. The office of Keeper of the Privy Seal, which had undergone no change, and who, besides drawing a salary of 3,000*l.* receives a large amount of fees, would be reduced to 1,200*l.*, no part of which would be payable from the Exchequer, but entirely from the fees, and the balance would be payable to the Treasury. A very large saving would also arise in the event of the office of Lord Register, Keeper of the Sasines and of the Signet, becoming vacant. In the department of stamps and taxes, the savings would be upwards of 12,000*l.* The abolition of the Boards of Customs and Excise, and other retrenchments in those departments in Scotland had been very considerable. In these circumstances, it was natural that the suitors should look for some diminution in the fees which they paid, which would render the expense of litigation less, and throw open the Courts of Justice to persons of ordinary means, without exposing them to ruin, for justice could not be said to be free if parties were obliged, besides paying counsel and attornies, which must always be a heavy expense, to pay large court fees on every step of the proceedings. The great object of this Bill was to follow out the recommendations of the first and second Reports of the Law Commissioners. The first provision of the Act was, that the junior Lord Ordinary should act as one of the permanent Ordinaries, as one of the other four, and that actions of reduction should not be confined to him, but might be brought before any of the other Lords Ordinary. The junior Lord Ordinary has hitherto been overloaded with business; and, although the great zeal and ability of the present Judge has enabled him to get through his duties with great satisfaction to the country; yet, under the former arrangement, it was not possible for Judges of great zeal, industry, and knowledge, to overtake the cases brought before them. His Majesty's Government have found it necessary this year to prolong the Session, so far as regarded the Lords Ordinary, by one fortnight. This was the first time, that the Act of the 1st of his present Majesty, sec. 10, had been carried into effect. It had heretofore remained a dead letter." I have been told, that this Order in Council has given dissatisfaction to some individuals; but, I trust, that the advantages it will be of to the administration of justice, and the satisfaction it has given to the country, as a proof that Government is resolved to remove all unnecessary delays, are more than sufficient to justify the adoption of that measure. The other clauses of the Bill relate to arrangements, the great object of which are to improve the administration of justice and diminish the amount of fees which are exacted from the suitors. I have, in all the salaries proposed, adopted the recommendations made by the Commissioners on Scotch Law, with the exception of one, where the proposed salary was 600*l.* a-year, and it appeared to me that 400*l.* would be sufficient; but if it shall appear to the House, that the salary proposed by the Commissioners ought not to be reduced, I shall most readily acquiesce. In general, the salaries of the establishment proposed by the Law Commissioners are very moderate—in the opinion of many persons much too low. The saving in fees to litigants will amount to upwards of 19,000*l.* per annum. They will be great gainers by this change, and I think they ought to be so. It appears to me, that nothing can be more unjust than that the proceedings before courts of law, which must necessarily be heavy and vexatious to those engaged in them, should be severely taxed to pay fees to officers of Court. By trying a question, and having it ascertained what the law is, the parties often do what is serviceable to many hundreds, who hold their property afterwards in greater security, or are enabled to avoid questions previously unsettled; but the delay with which the discussion is attended is often most vexatious, and the expense frequently exceeds the value of the subject in dispute. I am persuaded, that an enlightened Government could render no greater service to the country than by improving the Courts of Justice, and removing, as far as can be, every source of delay and expense. The right hon. Gentleman concluded by moving, for leave to bring in the Bill.

Leave given, Bill read a first time.

HOUSE OF COMMONS,

Monday, April 11, 1836.

MINUTES.] Bills. Read a third time:—Revenue Departments Securities.—Read a second time:—Bankrupts' (Ireland); Alien Registration.

Petitions presented. By Colonel THOMPSON, from Kingston-upon-Hull, in favour of Mr. BUCKINGHAM'S Claims.—By several Members, from various Places, for the Better Observance of the Lord's Day.—By several MEMBERS, from various Places, for the Repeal of the Duty on Newspapers.—By Mr. HAWES, from St. Marylebone, for the Alteration of the Poor-Law Amendment Act.—By several MEMBERS, from the Licensed Victuallers of various Places, for the Repeal of the Duty on Spirit Licences.—By Mr. BARNARD, from Woolwich, for the Abolition of Corporal Punishment in the Army and Navy.—By several MEMBERS, from the Medical Profession of various Places, for Remuneration for Attending Coroners' Inquests.—By Mr. WILKS, from Haddenham, for the Abolition of Church Rates.—By Mr. JOHN MAXWELL, from Calder and Cambuslang, for the Alteration of the Law of Statute Labour (Scotland); and from certain Handloom Weavers, for Relief.—By Mr. DIVETT, from the Carriers of Devon, for a Repeal of the Duty on Carriers' Carts.

SUPPLY—ORDNANCE.] Lord John Russell moved the Order of the Day for a Committee of Supply, and the House resolved itself into Committee.

Sir *Andrew Leith Hay* said, that in bringing under the consideration of the House the Ordnance estimates for the year, it would not be necessary for him to detain them by any very lengthened preliminary details. The estimates had been framed in conformity with those of former years. They had been carefully examined, and he believed all the circumstances connected in the first place with efficiency, and secondly with economy, had been considered and acted upon in this year's estimates. The estimate for the present year was 52,610*l.* less than that of last year. This diminution had arisen from various causes, which would be ascertained by a reference to the items. But the credits for last year, which amounted to 200,000*l.*, were decreased in the estimate now proposed, by 20,000*l.*, consequently the sum to be voted, instead of being 52,610*l.* less than that of last year, would only be 32,610*l.* less. In adverting to the different items which it would be his duty to bring before the House, he should refer, in the first place, to the vote called for for the store department. The amount last year was not so great as that for which it was intended to call on the House on the present occasion, by 10,000*l.* but that was the aggregate, and included the sum of 20,000*l.* for small arms, whereas the sum required last year for that purpose was only 5,000*l.* It had been considered necessary to increase the sum providing for small arms, in consequence of the absolute necessity of filling up the stores with a superior class of arms, and keeping those necessary and proper for the exigencies of the public service, and issuing to the troops arms of a better and more serviceable description. The estimate of the present year for stores was 75,000*l.*, while that for last year had been 65,000*l.*; but the sum to be voted was in fact 5,000*l.* less than in the preceding year for the general supply of stores. The Commissariat Supplies of last year as compared with this amounted to a much greater sum, in consequence of the variation in the price of forage for the Cavalry. The price of forage last year had been considerably higher than it was at present, and a diminution of the expenditure to the amount of 19,666*l.* would take place in this particular item. In the present estimate there was an increase under the head of the unprovided, in consequence of completing an alteration suggested for purposes of economy, and now carried into effect—the removal of the great stores in Tooley-street to the Tower. That removal had now been accomplished, but it had occasioned in the unprovided branch of the estimates a very considerable excess in consequence of sums formerly voted not having met the exigences of the service for which they were granted. The removing of the stores in Tooley-street, and preparing a store-house in the Tower for their reception, and for purposes necessary to the service, had cost the public the sum of 8,705*l.* Government had held the lease of the store in Tooley-street for an unexpired term of years. That lease had been sold, and the proceeds had been 10,150*l.*, fully covering all the expenses occasioned by the transfer, and a sum of 3,300*l.* annual rent would be saved to the public. There was another item which formed a very considerable feature in the estimate of the year, namely, the expense of the surveys of Great Britain and Ireland. The sum taken for the survey of Great Britain last year was 10,500*l.*; that proposed now to be applied to that object was 13,000*l.*, making an excess of 2,500*l.* This was called for by an application which had been made to hasten the progress of the survey, and, if possible, to terminate it in a shorter time than had been previously intended. The sum to be set apart for the survey of Ireland was exactly similar to that of last year, amounting to 40,000*l.* He felt satisfied that if there were any scientific work that had done honour to this country, that would be serviceable for all the purposes of local legislation, and for those objects connected with the interests and improvement of the country, it was the survey of Great Britain and Ireland. The officer who had the charge of superintending it (Mr Goldby) was a person of the highest scientific attainments, and had conducted it in a mode creditable to himself. He was satisfied that when completed, it would reflect honour on the country, and would place science on a footing it had not hitherto occupied. The maintenance of the barrack accommodation throughout the United Kingdom naturally formed a great item in the estimate, and he had the satisfaction to state, that the saving effected this year, as compared with the last, amounted to 16,790*l.*, notwithstanding the expenses incurred owing to the losses caused by the hurricane which took place in the West Indies. The repairs thereby rendered necessary had amounted to 4,152*l.*, which must be considered as an entirely accidental expense. Therefore, the saving on the barrack expenditure, including the repairs and support of the buildings, was 20,942*l.* He would now state to the House what he thought it would be interesting to show—that the Board of Ordnance, while keeping up the immense buildings necessary for the accommodation of the troops, were carrying on the expenditure with all possible attention to economy. The expenditure now was of a description very different from what it was in former days, and beneficial to the public in point of economy. The barrack expenditure, previously to being placed under the direction of the Ordnance, in 1821, amounted in Great Britain, to 143,809*l.*, being at the rate of 5*l.* 5*s.* 11*d.* per man. In 1835 it was 64,118*l.*, being at the rate of 3*l.* 9*s.* 4*d.* per man. The barrack expenditure in Ireland in 1821 had been conducted on a similar scale. It amounted to 134,838*l.*, being at the rate of 4*l.* 11*s.* for each man. In 1835 it was only 54,919*l.*, or 2*l.* 10*s.* 9*d.* per man. When it was considered that barrack accommodation for the British army in Great Britain, Ireland, and the colonies, was constructed for no less than 134,726 men, it would be seen, that as a natural consequence, a great outlay was required to maintain these buildings, particularly where the climates were so different, and where the barracks were liable to be damaged; and he considered, that under the circumstances, the sum now taken was the least possible, and might reasonably be supposed to be absolutely necessary for that particular branch of the service. He had stated briefly to the House some of the items of the estimates, contrasted with those of past years, and he had said, that he considered it unnecessary to trespass then for any very great length of time, but he would call the attention of the House to this particular subject—the absolute necessity of keeping the ordnance establishments of the country in an efficient and serviceable state. He hoped that no subjects connected with economy would ever be considered the primary object when the importance of that great branch of the defences of the country, and the necessity of providing the troops with commissariat supplies, were taken into consideration. He felt satisfied that the House, on the present occasion, would support this branch of the public service, and vote those supplies which they (Ministers) believed absolutely necessary, which they would not seek if they did not consider so, and which they supposed the House would have no objection to grant, in order that this branch of the public service might be carried on with credit to the country, with efficiency in present circumstances, with the certainty of being efficient in the event of a war breaking out, and of being able to maintain the honour of the Crown. The hon. Member concluded by moving the different votes, which were severally agreed to without observation.

The House resumed.

THE NEW HOUSES OF PARLIAMENT.] Sir *Robert Peel*, seeing the Chancellor of the Exchequer in his place, rose to put a question to him respecting the exhibition of the plans for the new Houses of Parliament. He had received several communications which made him believe that considerable dissatisfaction was felt upon the subject on two grounds—first, that architects were specifically excluded from permission to inspect the successful plans. He had received a letter from a very eminent architect who applied to be admitted: he had gone with a friend, who was allowed to enter, but being himself asked if he were an architect, and the answer being in the affirmative, he was excluded, as he was told, by the express orders of the Woods and Forests Department. Unless some good reason could be assigned, this exclusion, to say the least of it, seemed ungenerous. The other ground of complaint was, that the plans of the successful candidates were not exhibited with the others. He had understood the Chancellor of the Exchequer, that the successful plans should be sent with the others for exhibition in the building intended for the National Gallery. It was easy to see why the plan that had been eminently successful —that of Mr. Barry—could not yet be exhibited, because it might be necessary to retain it for the purpose of forming the estimates of the expense of carrying it into execution; but he could not see why the three others next in merit should not have been sent for exhibition with the others. Unless they were sent at an early period, it seemed likely that the public attention would be exhausted, and he therefore hoped, that some means would be adopted, that the three less successful plans would be exhibited according to their original intention.

The *Chancellor of the Exchequer*, in reply to the second question of the right hon. Baronet, was able to state (having received a communication from his noble Friend at the head of the department of Woods and Forests), that he had himself been disposed to think, in the first instance, that there would be no inconveniences in sending the three less successful plans for exhibition; but his noble Friend had been of opinion that until the Committees of the two Houses had finally determined what should be done—the approval of Mr. Barry's plan being only provisional—he had no right to part with the custody of them. On Monday next he believed the Committees resumed their sittings; and perhaps it was not too much to anticipate, that, at one meeting, the preliminary point might be settled, and then the three plans might be exhibited on Tuesday or Wednesday, and soon afterwards an engraved copy of Mr. Barry's plan might be placed with them in the collection. He was not so well prepared to reply to the first question of the right hon. Baronet; he did not know on what grounds professional men were excluded from an inspection of the successful plans, but the rule laid down might possibly be founded upon the alarm of the architects, lest sketches should be made of their plans, and an unauthorised publication made of their designs. On some former occasion, an incident of this sort had occurred, and it was more likely to arise out of the inspection of professional than non-professional men. It did not, however, seem a matter of importance, inasmuch as next week all the plans would probably be publicly exhibited.

Mr. *Hawes* knew, that architects had been excluded, and not only architects generally, but particular architects by name. He did not think that any rule for the exclusion of professional men should have been adopted, but if it were adopted, it ought at least to be general, and not particular. He did not see why the four plans should be in the hands of the Woods and Forests; they ought rather to be in the custody of the Committee. The Chancellor of the Exchequer had spoken of an engraved copy of Mr. Barry's plan, and he (Mr. Hawes) wished to know whether it was an engraving of the original plan, or of the plan as it had been cut down for the estimate? The original plan, it should be recollected, had been departed from. He did not say that the public had been treated with disrespect, but perhaps two-thirds of those who were likely to visit the National Gallery had been there already, and the object of the exhibition had, therefore, been so far defeated.

Mr. *Hume* had received a letter from an architect, who had been anxious to see the approved plans. This was the fifth or sixth time the subject had been mentioned, and the expectation held out by the Chancellor of the Exchequer, about three weeks ago, had been disappointed. He did not know why the three less successful plans had been kept back, and it was very natural that the public, which paid for them, should feel a curiosity to inspect them. They had a right to see all, and they would not be fairly dealt with if Mr. Barry's plan were exhibited with any of the leading features altered. The original, as approved by the Commissioners, ought to be placed in the National Gallery.

The *Chancellor of the Exchequer* observed, that the Committee had not yet finally decided, and until they had decided, the noble Lord at the head of the Woods and Forests had no right to deal with the plans; by parting with them the Commissioners might be deprived of the means of carrying into effect the directions of the Committees. He had formerly pledged himself that before the House came to its ultimate determination on the plan to be adopted, they should all be exhibited, and to that undertaking he still adhered.

Sir *Robert Peel* added, that exclusion gave an artificial importance and mystery to the affair; he could see no good reason why all the world should not be allowed to inspect at least three of the plans, reserving Mr. Barry's as necessary to the formation of the estimate; when that was completed it ought to be shown with the others.

Subject dropped.

STATUE OF KING WILLIAM.] Sir *G. Sinclair:* I rise, Sir, for the purpose of asking what line of conduct his Majesty's Government intend to pursue in consequence of that gross outrage which has been committed in Dublin, against the statue of King William, against the statue of that monarch of "glorious, pious, and immortal memory," and who has ever been held in the highest veneration by those who are the lovers of religious liberty.

Lord *Morpeth:* As yet, Sir, I have received no official details on the subject.

ORDNANCE ESTIMATES.] Mr. *Hume* said, he was accidentally not present when the Army Estimates were moved, but he should not lose the opportunity of adverting to the subject on the bringing up of the Report, because he thought it of essential importance to know what the Government was doing with regard to that department. The right hon. Gentleman on this side of the House proposed a change last year, in which the noble Lord concurred; and he understood that in consequence of what then took place, a Commission was appointed to inquire into the civil establishment of the Ordnance, with the view, he presumed, of carrying into effect the amalgamation of the Ordnance and engineers with the Commander-in-chief's department. By this arrangement he believed that no less than 300,000*l.* per annum would be saved to the public. The present was a most wasteful and extravagant system. He wished to know whether that inquiry had made any progress, and whether it was proceeding?

Viscount *Howick* would repeat what he had stated on a former occasion, viz.—that the inquiry was in progress. It was, however, a subject of great difficulty. When the Commission, of which he had the honour of being a Member, was appointed, they found a scale of some alterations which had been made by a former Commission, of which the right hon. Baronet was a member. Considerable evidence had been gone into on the subject; but much more was necessary. During this sitting of Parliament it was not possible to proceed with the inquiry as rapidly as might be desired; but they were making progress as fast as, under the circumstances, was practicable, and he hoped before the end of the Session to be able to lay the Report of the Commission upon the Table of the House. With reference to that part of the observations of the hon. Gentleman which related to his extravagance, he must express his regret that the hon. Gentleman was not present when his hon. and gallant Friend brought the Ordnance estimates under the consideration of the House. Whenever the hon. Gentleman revived the subject, his hon. and gallant Friend would no doubt be prepared to meet him.

On the Motion of Viscount Howick, the House resolved itself into a Committee of Supply.

SUPPLY — ARMY ESTIMATES.] On Viscount Howick proposing a vote of 13,764*l.* 15*s.* 8*d.* for the charge of the Royal Military Asylum, and of the Hibernian Military School,

Mr. *Hume* expressed his disapprobation of the system which was pursued in reference to these institutions, and he was sorry to see the Government not disposed to follow the course which had been commenced by their predecessors in office—viz., that of gradually reducing, and eventually giving them up altogether. It was his opinion, that the expense which was incurred in the support of these schools, was no way proportionate to the good which they effected; he believed that, by sending the children to some part of the country where they might be boarded and placed under proper superintendence, twice the good would be accomplished at half the expense at present incurred. He observed, there was no less a sum than 1,860*l.* in the estimate for salaries to officers; and then there was the immense sum of 4,500*l.* for other expenses. He was persuaded, that half this might be saved; and the costly building which they at present occupied, might be converted to some purpose of public utility. But, even supposing it were advisable that the system should be carried on, he disapproved of the mode of management which Government intended to pursue. He perceived that the scholars were to be limited to a certain number; and thus, whatever the noble Secretary at War might fix upon as the proper number for enjoying the benefit of the schools, some must be excluded, and thus injustice would be done. Either the system ought altogether to be abandoned, or it ought not to be thus limited in its operations.

Vote agreed to.

Upon the question that 106,211*l.* 6*s.* 8*d.* be granted for the charge of Volunteer Corps,

Mr. *Hume* said, he would put a question to the noble Secretary at War, and to his Majesty's Government, which was this—was it really their intention to keep up the yeomanry and volunteer corps? He had, during the last Session, presented several petitions from the county of Fife, against keeping up this description of force in a time of peace; his belief was, that they were only so kept up to imtimidate and insult the labouring classes of the community. On several occasions he had expressed his objections to this corps; and, for the last three years, he had taken the sense of the House upon it; he should do so in the present instance, and see whether or not the voice of the country would be listened to.

Viscount *Howick* was firmly convinced, that the yeomanry and volunteer corps of the country had never been used for party purposes. He believed that they were of great use to the country, inasmuch as they were available corps, and supported at a very small expense. He could state, of his own knowledge, that, in several instances, when called upon to act, they had done so with the greatest advantage to the public. His hon. Friend, the Member for Middlesex, would recollect that a great reduction had taken place in the Militia staff in the last year, and he thought it a politic measure to keep up these corps under such circumstances. They were volunteers, and, in point of fact, were no real burthen on the community at large, while they were a most useful and available force.

The Committee divided on the Resolution: Ayes 53; Noes 9: Majority 44.

A List of the NOES. (*Not official.*)

Chapman, M. L.
Lushington, C.
Molesworth, Sir W.
Sheldon, E. R. C.
Thompson, Colonel
Thornely, Thos.
Tulk, C. A.
Whalley, Sir S.
Williams, William

TELLER.

Hume, Joseph

Vote agreed to.

Viscount *Howick*: in moving that 25,000*l.* be granted for the maintenance and clothing of two companies of Mounted Riflemen at the Cape of Good Hope, stated, that they were only raised for temporary purposes.

Mr. *Hume* objected to the vote. He considered that they should have some information as to the calamitous occurrences which had recently taken place at the Cape. Although some information could be procured, by means of the Committee moved for by the hon. Member for Weymouth, still he did not think that they should be able to obtain the whole truth, until Commissioners were sent out to examine upon the spot into all the facts. It was of importance not only to the colonists themselves, but also to the interests of England, that the causes which led to such calamities should be inquired into.

The vote was agreed to. On the question, that the Chairman report progress, General *Sharpe* wished to ask the noble Lord a question, with respect to an appointment that he was sure would create great uneasiness in that part of his Majesty's army, who were employed in India. He alluded to the individual who had been engaged in the Company's service; he still retained the rank of Captain in the Company's service, and he was gazetted as Major-General, he (General Sharpe) thought in February last. Such an appointment, he considered, was calculated to outrage the feelings of officers, and he knew nothing more calculated than it to produce a collision. The appointment that he referred to, was that of Lieutenant-Colonel Sir Henry Bethune, in the employment of Persia, and gazetted as a Major-General in Asia. He hoped that was a mistake for Asia Minor or Persia. He merely now called the attention of the noble Lord to the subject, and wished to receive an answer respecting it.

Viscount *Howick* requested the hon. and gallant Officer to put the question when his right hon. Friend, the President of the Board of Control, was in the House.

The House resumed.

Stamp Duties.] The Chancellor of the Exchequer moved the second reading of this Bill.

Mr. *Hume* stated, that he had received communications asserting that the present consolidation would be found as oppressive as that which Mr. Goulburn had brought in. He had not himself seen the schedule; but he was told that in many cases it would aggravate the pressure of taxation. He hoped the Chancellor of the Exchequer would inquire into the subject; for he believed there must be some mistake. Certainly the gentleman from whom he received the letter was one upon whose judgment and experience he was disposed to place every reliance. He hoped the Chancellor of the Exchequer would give full time for having the details examined into.

The *Chancellor of the Exchequer* had already observed, that he only wished that the Bill should be now read a second time that evening. His intention was to postpone the Committee until the 29th of the present month, and this for the purpose of affording all parties, in and out of the House, full time for considering the Bill. If persons were to take up particular parts of the Bill, if they were to look to some duties, an increase might be shown. In one particular branch of duties, those on conveyances, for instance, he had no doubt but an increase might be shown; but, in such cases, the increase would be upon those duties that were unjustly low. The fate of the Bill ought not to be determined by the consideration of whether certain duties were increased; but let the House decide whether the *ad valorem* principle was a just one or not. When they decided that in the affirmative, it was in vain to exclaim against a particular tax. The Bill was intended to remove an inequality of pressure: it could not do that without pressing in some degree upon those who were now too lightly taxed. The Bill was intended to apportion justly that which was now unjustly distributed. He begged to say, that he had received a great many valuable suggestions, particularly from Members of the legal profession. He should give the earliest intimation of any alterations intended to be made in the Bill.

Mr. *William Smith O'Brien* wished that the right hon. Gentleman would take this opportunity of announcing something calculated to allay the ferment that prevailed in Ireland with respect to the stamp duties on newspapers. The demand in Ireland was, that the stamp duty should be reduced one-half what it was intended to be in England, as it is at this moment.

The *Chancellor of the Exchequer* was, he said, unwilling to discuss a question now, which would be so much better postponed to a future stage. For his own part he begged to say, that he thought the arguments used on the part of his Irish friends on this subject, were quite untenable. The Irish newspapers were to be conveyed post-free. Upon this point he would also call the attention of those who demanded an entire repeal of the stamp-duty upon newspapers, that supposing the repeal were to take place, and they followed up the argument used in favour of the Irish newspapers, having repealed the whole amount of the duty in England, they would be bound to pay a bounty to the Irish newspapers. He would take the opportunity to notice, that his proposition had been subjected to gross misrepresentation. It had been said, that it amounted to the same thing as the proposition for raising the stamp-duty to 4*d.* in both countries—a proposition that he had resisted; that was a proposition for doubling the amount of stamp-duty, while his was one for reducing it one-half.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, April 12, 1836.

MINUTES.] Bills. Read a first time:—Revenue Departments Securities; Prisoners Counsel Bill; Plurality of Benefices.

Petitions presented. By the Marquess of LANSDOWNE, from the Methodists of Road, for the Better Observance of the Sabbath.—By the Earl of ROSSLYN, from Godmanchester, that certain Provisions be added to the Municipal Corporations' Bill.

CONSTABULARY (IRELAND).] Viscount *Duncannon* rose to move the second reading of the Constabulary Bill for Ireland. The present measure was similar to that which had been introduced towards the end of last Session; and, as there did not appear to be any serious objection to the principle of the Bill, it was not necessary for him to take up the time of their Lordships with many remarks, especially as the details could be more conveniently discussed in Committee. It was proposed by the present Bill to grant to the Lord-lieutenant the power to appoint one inspector-general, who should be authorized to provide for the regulation and management of the police force throughout Ireland, instead of four inspectors-general, who now directed the police force in the four provinces. Under this chief it was proposed that there should be two deputy-inspectors. Power was also granted by the Bill to the Lord-lieutenant to appoint county-inspectors, one inspector for each county, with the exception of Cork, Tipperary, and Galway, each of which, in consequence of the great extent of those counties, would require two. Power was also conferred on the Lord-lieutenant to appoint pay-masters, store-keepers, and clerks, who were to give proper securities, and also to appoint sub-inspectors. This course was adopted because one of the objections to the present system was, that there was not an effectual and efficient supervision of the police force. The Bill placed the appointment of all constables, whether chief-constables, head-constables, constables, or sub-constables, in the hands of the Government. The power of appointment was transferred from the local Magistracy of Ireland to the Lord-lieutenant. In adopting that course, he disclaimed the idea that his Majesty's Ministers had the least intention of casting any slur on the local Magistracy of Ireland. The power of making these appointments would be nominally vested in the Lord-lieutenant, but really in the inspector-general; and it was conceived that a single officer was more likely to select persons suitable to fill the office of chief-constable, &c., than a large body of individuals, such as the local Magistracy of Ireland. The selection made by the former would not be exposed to that sort of bias which it was by no means impossible might operate with reference to the latter. The Bill empowered two or more justices to impose on constables a fine not exceeding 5*l.* for neglect of duty. It would authorize the establishment of a supernumerary or subsidiary force, the men composing which were to meet once or twice a-year, for the purpose of being instructed in their duties; and from this force all future appointments of constables and sub-constables were to be made. It was also proposed to empower the inspector-general, subject to the approbation of the Lord-lieutenant, to remove any part of the force from one county to another, as the state of things might require. A superannuation fund was to be provided by a deduction of two per cent from the salaries of all the officers of the force, which would tend, in a very great degree, to lighten the burthen imposed upon the public. By a deduction of 10*s.* per cent on all salaries, it was proposed to create a police reward fund, from which gratuities might be paid for special services, and which would also be available for the widows and children of men who might fall or be disabled in the discharge of their duty. He might add, that Government intended, as far as it was possible, to avail themselves, in the new arrangement, of the services of officers on half-pay. The noble Viscount concluded by moving the second reading of the Bill.

The Earl of *Haddington* observed, that this Bill extended to the Government very great powers indeed. It swept away several existing Acts of Parliament, and, in their stead, substituted a single measure. The Bill being of such importance, he was very glad to find that it was not the intention of his Majesty's Government—and, indeed, after what had been said on the subject, it was impossible that it could be their intention—to hurry such a sweeping measure through the House.

He was very well satisfied that some increase should be made in the lower class of constables. But, considering the very great changes contemplated by this Bill—considering the great difference between what was proposed last year and that which was now proposed—he wished to have had a much fuller, to have heard a less meagre, statement of the nature of this measure, upon its introduction by the noble Viscount. The noble Viscount had begun by stating, that the present Bill was exactly similar to the former—that there was scarcely any difference between the two measures. Now, he would say, that where a common object—where the same object—was to be obtained by the one Bill as by the other, it was impossible for the ingenuity of man to have framed two measures more completely unlike each other, than the Bill of last year and that which was now before their Lordships. It would be in the recollection of their Lordships, that last Session of Parliament was followed up, during the recess, by a great deal of itinerant oratory and agitation, the object of the chief performer being to incite the minds of the people against that House—to misrepresent all their motives and proceedings—to hold them up to public scorn and detestation, and to call for a reform—which, in other words, was equivalent to an abolition—of the House of Lords. Now, though undoubtedly they did not generally join in that cry, yet there were two personages, very high in his Majesty's Government, wearing silk gowns, and by profession conservators of the public peace—he alluded to the Attorney-General of England, who addressed, at that time, his worthy constituents of the city of Edinburgh; and Mr. Attorney-General of Ireland, who proceeded to harangue his constituents of Dungarvan. In the course of their speeches, they dealt very hardly with that House, and thereby gave a good deal of weight and currency to the abuse and vulgar slang which had been levelled at their Lordships. The English Attorney-General did not, he believed, advert to the Constabulary Bill, though he did to other measures which their Lordships had thrown out. But the Attorney-General of Ireland naturally went over all those measures which related to that country. Amongst other things, the learned Gentleman said, "he could see no solid reason for the rejection of the Constabulary Bill;" and he further asserted, "that it was an economical measure, the object of which was to reduce the expense of the police force." On that point he would say, with great deference to the learned Gentleman, that he was entirely mistaken. The learned Gentleman further observed, "that the measure would render the police much more effective; and he could not, therefore, see why it had been rejected." There was, he added, a clause in the Bill against the admission into the police of persons who had taken an oath as Orangemen, or who were connected with secret societies; and the learned Gentleman inferred, that the Bill was rejected on account of that provision. This declaration was followed by groans on the part of those whom the learned Gentleman addressed, who thus manifested their indignation at the course which their Lordships had adopted. The real motives, however, for throwing out the Bill were plain and simple. They were very short, and they were mentioned at the time. The Bill was brought into the House of Commons on the 10th of August, and it came up to their Lordships' House on the 20th of August. It passed through the Commons' House with little or no examination; and their Lordships did not choose to take upon themselves the responsibility of passing a Bill of so important a nature at a period of the Session when it was not possible maturely to consider it. But he thought that the learned Gentleman to whom he had alluded, and who, he believed, was one of the framers of the present Bill, had afforded to their Lordships a most triumphant answer to his own assertion. If the measure then before their Lordships were a wise and well-considered measure, if its provisions were properly suited to meet the objects which his Majesty's Government professed to have in view, then was he justified in saying, that the Bill of last Session was one of the most useless, the most worthless, the most slovenly, pieces of legislation that was ever submitted to the consideration of Parliament, and, as such, fully merited the fate which it had met. The two measures were most unlike each other. In the present Bill there were forty-seven clauses; the former contained only twenty. Was it not perfectly obvious, from this one fact, that it was found absolutely necessary most materially to alter the measure? The Bill of last year incorporated in its provisions the Peace Preservation Act; but the present Bill repealed all the Acts that related to the subject—the Peace Preservation Bill and the Police Bill—and formed a consolidated Act. This might be an improvement, he did not argue against that; but what he contended for was, that the more it was an improvement, the more were their Lordships justified in throwing out the other measure. He, for one, never would yield to that summary and authoritative manner in which they were called on by the noble Viscount opposite to pass those ill-considered edicts which were hurried before them from the other House. By the present Bill, the inspector-general, with the approbation of the Lord-Lieutenant, had the power to form rules and regulations for the government of the police force throughout Ireland. That power was granted by the 4th clause of this Bill. But by the 12th clause of the former measure it was enacted, "that the Lord-Lieutenant, or other chief governor, or governors, of Ireland, for the time being, should be empowered to frame rules, orders, and regulations, in respect of the several duties to be performed by, and for the general government of, the general superintendent or inspector, his deputy, and of all local inspectors, paymasters, clerks, chief and other constables, and sub-constables." Here was a considerable difference between the two measures. By the 4th clause of the present Bill, it was, as he had shown, enacted, that the inspector-general, with the approbation of the Lord-Lieutenant, might frame whatsoever sort of rules, orders, and regulations he pleased, for the general government of the several persons appointed under him, "as well with respect to the places of their residence, their classification, rank, and particular services, the extent and limit of their respective duties, and their conduct and proceedings in the performance thereof." The question here occurred, whether it was expedient or right to give this extraordinary power to his Majesty's Government? If it were right and proper, then it should be granted to the Lord-Lieutenant in Council, and not to the inspector-general. That, however, was not the only, nor the greatest, objection which he felt to the extent to which the inspector's authority went. If the noble Viscount would look at the Bill, he would see that it gave to the Lord-Lieutenant a right to overlay and overrule the proceedings, customs, and obligations of the constable at common law. By the common law of the land, the constable was obliged to serve certain processes, as in the case of tithe. But, by this Bill, they gave to the Lord-Lieutenant the power to overrule and control that customary proceeding. That was one strong case. If this part of the Bill were an improvement, undoubtedly it was a very extensive improvement. With respect to the execution of warrants, it was enacted by the 10th clause of this Bill, "that no sub-inspector, chief or other constable, or sub-constable, shall be employed in the recovery of tithes or tithe composition, or in the levy of rents by distress, or in the levying of fines or penalties, under any Act or Acts relating to the revenue in Ireland, nor in enforcing of any Acts relating to the laws for the preservation of game or fish, except only in cases where forcible resistance shall have been actually made, and proved by information taken on oath, or unless by the special orders and directions of the Lord-Lieutenant or other chief governor or governors of Ireland." By the 5th Geo. 4th, clauses 7 and 9, specific powers were given with reference to serving warrants. The constable refusing was, by clause 7, subject to the forfeiture of his recognizance, and, by clause 9, he was liable to pay certain penalties in case of refusal. The Bill of the last year left the law precisely as it found it. But here, by the new measure, the constable was forbidden to afford any aid, except where forcible resistance was proved, on oath, to have taken place. First of all, a riot must take place, and then the constable was sent down to repress it. Really, after the riot had taken place, after heads had been broken, after life had been endangered, then to send down the constable with his warrant, appeared to him (and he meant no offence to his noble Friend) to be a true specimen of Irish legislation. A noble and learned Lord (Plunkett), whom he was sorry he did not see in his place, had told them that the principle on which the present Irish Government had acted, was the same that had been adopted by their predecessors in office. This, however, judging from certain letters from the Chief Secretary, which had appeared in the newspapers, did not seem to be the case. When Sir Henry Hardinge was Chief Secretary of Ireland it certainly was not his policy to afford constabulary assistance after the riot was over. He said that aid should be granted on affidavit being made before a magistrate, showing reasonable and well-grounded apprehension that a riot was likely to occur. In that case he was anxious that the constabulary force should be employed to prevent the apprehended riot, No two systems could, therefore, be more distinct or different than these; and he certainly should rather recommend to their Lordships to act on the latter. With respect to the nomination of chief constables, there was an essential difference between the two Bills. The 7th clause of the last Bill limited the number to be appointed; but, by the present Bill, the Lord-Lieutenant might appoint as many chief constables as he pleased. With respect to the appointment of resident Magistrates, there was not a single word on the subject in the Bill of last Session; and that was certainly one of the most obvious improvements that could be made. He was sorry to be obliged to occupy their Lordships' attention so long; but he could not avoid minutely examining a Bill which gave so very great an increase of patronage—patronage, too, of the most valuable sort—to his Majesty's Government. It was, he repeated, patronage of the most valuable kind that could be given to a Government. It might be very proper—it might be quite necessary—that such a course should be adopted, that this force should be strengthened and increased; for he was one of those who thought that the efficiency of the police force in Ireland required to be earnestly watched over, since on it the security of life and property in that country mainly depended, and therefore he would not stick at trifles in providing for it; but when they saw the sort of change which was effected in this measure in the course of a few months—a change which gave so much additional patronage to his Majesty's Ministers, he conceived that it was a subject that called for serious observation. The Bill of last year proposed one inspector-general, with 1,000*l.* per annum. They now had an inspector-general with 1,500*l.* That was a point on which they ought to receive some explanation. Then, by the former Bill, there was only to be one deputy-inspector, at 600*l.* a-year; there were now to be two deputy-inspectors, at 800*l.* a-year each. He would, however, say, that whether there were one or two deputy-inspectors, he did not think that a salary of 800*l.* was too much. One gentleman, Major Warburton, had, he understood, been appointed a deputy-inspector; and of that individual he felt bound to state, that if Government had searched all through Ireland, they could not have selected an individual better calculated to fill the situation efficiently. According to the former Bill, they were to have thirty-three county-inspectors, thirty-two for the counties, and one for the county of the city of Cork, each to receive 300*l.* a-year, making an aggregate of 9,900*l.* per annum; but by this Bill they were to have forty-two inspectors, not at 300*l.*, but at 500*l.* a-year, raising the expense to 21,000*l.* per annum. Sure he was, that the increase of number and the increase of amount of salary was a subject which required investigation, and which ought to be maturely considered before their Lordships agreed to confer such enormous patronage on the Government. Before they assented to the measure, it should be shown that it would effect a real and substantial improvement. He now came to the sub-inspectors. By the Bill of last year, there were to be 132 sub-inspectors, at 100*l.* a-year each; and he wished that encouragement should be given to that class of persons. But now a new light had broken in on his Majesty's Government, and it was proposed that there should be forty-two sub-inspectors, at 250*l.* a-year salary. He would ask, why it was necessary to create this new class of officers with more than double the salary originally proposed? He did not very well understand that part of the Bill which gave to the Lord-Lieutenant the power of creating constables and sub-constables, which was taken from the local Magistracy. He had no doubt, however, that the expense of the whole plan would be much greater than that which would have been incurred under the Bill of last year. The former measure would have cost, including a sum of 70,000*l.* for arms, clothing, accoutrements, horses, &c., 340,600*l.*; while the present measure would require 407,080*l.*, being an increase of 60,450*l.* Here was a very essential difference between the present and the Bill of last year. He regretted much that the appointment of constables should be taken from the local Magistracy. Gentlemen who lived on their own estates, and who acted as Magistrates—at very great risk, often at the hazard of their lives—deserved, in his opinion, the approbation and protection of his Majesty's Government and of the country. He could not approve of this part of the measure, and he regretted that the power of appointing constables was taken from the Magistracy. He was perfectly aware of the vast importance of the police force to Ireland; and he, for one, would say, and he thought he could answer for every noble Lord on that (the Opposition) side of the House, that they were all most anxious and most desirous to agree to any measure necessary for the improvement of that most valuable and useful force. But he would not dissemble that he entertained a very great distrust of this measure—a distrust which, from the comparison he had made, appeared to him to be well founded—that constitutional distrust which every man might fairly experience, and which it was the duty of both Houses of Parliament to entertain, when they saw such a lavish abuse of patronage. Looking to the situation of the present Government, he confessed that he was unwilling to place any considerable degree of patronage in their hands, not, indeed, from any distrust of them, but from a deep distrust of the designs of those without whose aid they would not be able to remain in office one hour. The noble Earl concluded by stating, that he would, on Thursday next, move for a return of the numbers and expense of the present constabulary force in Ireland.

Viscount *Duncannon* said, it was very true that in the Bill of last year but one deputy-inspector was mentioned; but it was deemed advisable that two should be appointed, especially as the services of Major Miller and Major Warburton had been secured. It had been also found necessary to increase the number of county-inspectors, in consequence of the great extent of some of the counties. The salaries of the sub-inspectors had been increased because the number had been reduced, and the labour was consequently greater.

The Earl of *Bandon* approved highly of the appointment of Colonel Kennedy as inspector-general. He had known that gentleman for several years; and if one individual were more proper for that arduous situation than another, Colonel Kennedy was that individual.

Lord *Hatherton* said, the necessity for this measure could very easily be justified, if the subject were properly inquired into. The noble Earl had not succeeded in showing to their Lordships that there was any essential difference, in point of fact, between this Bill and the Bill of last Session. There was certainly some difference, but it was not essential. What was the object of the last and of the present Bill? It was precisely the same—namely, to concentralize, under one inspector-general, the whole police force of Ireland. That object was preserved in the present measure. It was hardly necessary for him to point out the necessity of the alteration. Where there w re four inspectors-general great discrepancy of practice must necessarily take place, and considerable delay must occur in cases where, of all things, despatch was most desirable. If aid were wanted, a message must be sent by the chief constable to the Secretary of State, who must communicate with one of the inspectors-general, and this last with the officer immediately under him. But by the mode now proposed, an immediate communication would be secured. Another object of the last Bill was to create a superannuation fund—that also was one of the objects contemplated by the present. And, looking to the great saving which would be by that plan effected, he believed it would be found that any additional charge which might be created by increased salaries would be more than provided for by the enactment which made the members of the constabulary force subscribe to their own superannuation fund. Another object was, to insure, whenever it was necessary, an immediate increase of the constabulary force. That could not be done as the law stood at present, but the measure now proposed obviated the difficulty. There was on this point no substantial difference, then, between the Bill of last Session and that of the present. But all these were details for the Committee, and were not fit for discussion on the present occasion. Lord Anglesey and the Lords Justices were no doubt perfectly justified in preventing the constables from assisting in the collection of tithe; but things were come to such a pass in Ireland with respect to tithes, that no power on earth was sufficient to insure their collection, and policy, therefore, required on the part of his Majesty's Government the invention of some new course with reference to them. As to his noble Friend's observations upon that part of the Bill relative to resident Magistrates, that was a provision which resulted from the circumstance of its being a Bill of consolidation, instead of a Bill of amendment.

The Duke of *Wellington* would not take up the time of the House by saying anything as to the difference between the Bill of last year and the present measure, after the able statement on this point of his noble Friend. He, however, wished to direct the attention of their Lordships to some other topics which he considered well worthy of consideration. Under the Bill of last year there would be an expense of 346,000*l.* a-year, which was about 100,000*l.* more a-year than the average expense of the existing system. The expense of the present system was about 250,000*l.* a-year; but the expense of the system proposed in this Bill would be 407,000*l.* a-year, to which there would be an additional expense of from 17,000*l.* to 18,000*l.* a-year, thus making a total of 425,000*l.* a-year. Therefore, the expense of the system now proposed was nearly 100,000*l.* a-year, more than that proposed last year, and nearly 200,000*l.* a-year more than the existing system. Under these circumstances, he thought that the House should be well convinced that great benefits would result to the country from this system before they adopted it. He trusted, therefore, that the details of the Bill would be well discussed in Committee. He had thus stated, as far as the expense was involved, what was the result on his mind. He admitted, that he had come down to the House with a very strong feeling as to the dismissal of the whole of this force, as well as all the officers who had served for so long a time, and so advantageously to the country. The noble Viscount, however, had stated that it was not intended that their dismissal should take place. On this point, therefore, as far as the declaration of the noble Viscount went, he was satisfied; but he thought that it would be much better that a few words should be introduced into the Bill declaring that the Government should not put an end to the whole police force if this Bill should pass. He did not object to allowing the Lord-Lieutenant the power of dismissal from this body, but he objected to giving him the power to put an end to the whole force in the manner which had been described. He also felt with his noble Friend, very great objection—and he was sure that it would be felt by the country—to the enormous appointment of officers at the present moment by the Government. They would have the patronage of above 100 offices, with salaries of 300*l.*, 400*l.*, 500*l.*, and 800*l.* a-year. These were very serious matters, and more especially when they recollected, that the present system had been carried on in Ireland for so many years, at an expense not much exceeding one-half of that now proposed. He repeated that these were serious matters, and he hoped that noble Lords would come down to the Committee with the view of amending the measure, so as to bring it within more reasonable bounds of expense. He entertained strong feelings on this subject, because a great additional expense would be thrown on the landed property in Ireland by it. The counties had now to pay about 100,000*l.* a-year for the police force; but the expense imposed upon them hereafter would be above 200,000*l.* a-year. This would be a very considerable additional burthen to throw on the landed interest in Ireland. He felt this the more strongly, as by this Bill the law was made more strict as to proceedings with regard to the police in the recovery of tithes and rent. At the same time, then, that they increased the expense to the landed interest, they deprived that body of the aid of the only constabulary force in Ireland. There were no other constables or police force in Ireland, and this was the only body they could call upon to aid them in the maintenance of the peace or in the recovery of their property by civil procedure. With respect to the clause in the Bill which referred to the restrictions imposed on the Magistrates in Quarter Sessions, he would make an observation. The noble Lord had stated that the Clause in this Bill was exactly the same as the Clause in the 7th and 8th George 4th, called the Petty Sessions Act. By the Clause in this Act certain restrictions were imposed on the employment of the constabulary force, in certain cases, under the direction of the magistrates in Petty Sessions. This was to a totally different effect from the 10th Clause in this Bill. The Clause in this measure was not only made applicable to Petty Sessions, but to Quarter Sessions. The Clause also would be made to include those cases which were lately before the Court of Exchequer in Ireland. This Clause gave the Lord-Lieutenant of Ireland the most extraordinary powers. By it the Lord-Lieutenant, a political officer, would have to determine in what cases the constabulary force—the only police force in Ireland—should be employed in assisting in the recovery of tithe and rent. He was convinced that when their Lordships came to compare this Clause with that in the Act of Parliament, to which allusion had been made, that they would admit, that there was ample reason to justify his noble Friend in finding fault with the Clause. He certainly should draw the attention of the House to this part of the Bill, and would try to persuade their Lordships to adopt instead of it the Clause out of the 7th and 8th of George 4th.

Lord *Hatherton* thought, that exactly the same language had been used in the two clauses in question. He was not aware of the mention of the orders from quarter sessions.

The Earl of *Wicklow* observed, that, as it was not the intention of his noble Friend to move the rejection of this Bill, he would not do more, on that occasion, than make a few observations, and certainly not more were required after the able speech of his noble Friend. When he heard noble Lords opposite state, that there was very little difference between this Bill and that of last year, he was sure that they must have paid very little attention to the subject. From the late period of the Session at which the Bill of last year was brought forward, it was probable that noble Lords did not make themselves masters of the details of it, and, therefore, were now ignorant of its provisions. This circumstance, however, fully justified the course taken by that House with reference to it. It was consolatory to him to hear the noble Viscount, on the part of the Government, declare, that it was not intended to dismiss the present police force; but it would be much more satisfactory to him to have an enactment in the Bill to that effect, as was proposed by the noble Duke. The declaration that had been made would give satisfaction to persons in the police force in Ireland; but it would occasion great dissatisfaction to another class. He had received several letters from Ireland, by which he was informed that officers commanding the forces in Ireland had been written to, requesting them to recommend men, now under their command, to the Government, with a view to their being appointed to situations in the police force. This probably had led to the opinion, that a great body of the officers of the constabulary would be changed. He trusted, therefore, what had been said by the noble Viscount would allay the alarm that had been excited. He could not help feeling that it was an insult to the Magistrates of Ireland, to deprive them of the power of appointing to the police—it was not called for by any very urgent reasons. The noble Viscount said, that no blame was attached to the Magistrates for the appointments they had made. All the well-disposed classes in Ireland supported the police force, and admitted that it was a most useful body; but there was a faction against it, which was a sufficient reason, in his mind, not to make such a radical change in the constitution of the force as was now proposed. There could be no doubt that the real object of the measure was to introduce a great number of Roman Catholics into the police force. Although it was not admitted, there could be no doubt that this measure was forced upon the Government by those who wished to throw power into the hands of the Roman Catholics. He did not wish to excite or keep up religious dissensions, or to maintain power in the hands of Protestants against Roman Catholics, but he felt that he should be departing from his duty, if he did not protest against intrusting those with power who would have it conferred on them by this measure. He denied that the Magistrates deserved anything like reprehension for the course they had pursued with regard to the police force. On the contrary, he was satisfied that their conduct had been most exemplary, and deserving the highest commendation. The present Bill deprived them of power, and gave it to the Lord-lieutenant for the time being. Indeed, it gave such power to the Lord-lieutenant as ought not to be intrusted to any one in a free country — a power which went beyond the extent of improving the police, and even to that of creating a permanent standing army in the country. In this country, the King had not the power of increasing or arranging the number of his army, but this was done by an annual vote in Parliament; but there was no limitation in this Bill, and the Lord-lieutenant might increase the number of the police at his will and pleasure. There was nothing in this Bill also to prevent the Lord-lieutenant from throwing a greater or less burthen on a more or less favoured county, thus giving and creating a most objectionable species of influence. He could not sit down without adverting to an expression that had fallen from the noble Lord opposite, and he was glad that he had not heard such sentiments emanate from any Member of the Government. The collection of tithes was still a part of the law of the land, and it was a constitutional desideratum, that as long as a system or principle was a part of the law, it should be maintained, and he trusted, until a change was effected by Parliament, that the law in respect to tithes would be enforced by the Government. The noble Lord (Hatherton), however, said, that the payment of tithes could not be enforced by any power on earth, and he trusted that the Government would disavow such opinions which had been uttered by their indiscreet friends. If the Bill was not amended in Committee, he should feel himself called upon to resist to the uttermost the third reading of it. Two things had surprised him more than the manner in which this Bill had passed the other House. It did not appear to have attracted the attention of those who always looked so narrowly to the public expenditure, and to the mode by which economical arrangements could be effected. No allusions had there been made to the great increase that would be made to the burthens of the country by this Bill. If the Irish counties had had alone to bear this additional expense, perhaps no notice might have been taken of the matter; but, as it was, one half the charge fell on the consolidated fund. A great number of new places were created, with large salaries, and a most enormous and dangerous patronage was given to the Government. He did not know Colonel Shaw Kennedy, but from what he had heard from all quarters respecting that officer, he was bound to believe, that his appointment was a fitting one, and that the command of the police force was well bestowed on him; but, when he looked to the Bill, he found that that officer had no control whatever, but that all the power rested with the Lord-lieutenant. It appeared to him, that in suffering the Bill of last year to pass the other House of Parliament, those who were opposed there to his Majesty's Government, sought by that means for an argument against another measure — namely, the Municipal Corporation Bill; but he thought, that each measure should be left to rest on its own merits. He should not now oppose the second reading of the Bill; but he should feel it to be his duty, in the Committee, to propose one or two amendments.

The Earl of *Winchilsea* said, it was not his intention to oppose the second reading of the Bill, but he would support in Committee those amendments which had been announced by the noble Lords near him. He looked with extreme jealousy on many of the provisions of the Bill, and especially on the 10th clause, which gave to the political governor of Ireland, the Lord-lieutenant, the complete power of superseding the law, and of withholding all assistance for the protection and recovery of property. He thought it better to leave the appointment of the police officers in the hands of the Magistrates, who were not charged with having abused their authority, than to place it exclusively in the hands of the Lord-lieutenant of Ireland. In his opinion, it was not a little remarkable, that the Bill of last year, which was doubtless very maturely considered by the Government, increased the expense of the police force by the sum of 100,000*l.*, and that the present Bill still further increased the patronage of the Government to the amount of another sum of 100,000*l.*

The Marquess of *Londonderry* said, that the ground of his opposition to the Bill was, his distrust of the Government in reference to the disposal of their patronage in Ireland. He was ready to admit, that much of his objection would be removed by the introduction of a clause, such as had been suggested by the noble Duke near him, continuing the present police force in existence. He recollected that the Government had declared, with reference to the appointment of Magistrates under the English Municipal Act, they would not be biassed by party considerations; and their Lordships were well aware how far the Government had acted according to that declaration. He should, therefore, be more satisfied with a positive enactment, than with the mere statement of the noble Lords opposite, that the present police force should be continued. If the appointments to that force were left to the Lord-lieutenant, how could the House be sure that they would not be disposed of at the dictation of that individual, who already had the control of so much patronage in Ireland? He was not speaking on this subject without good information. He had a few days ago received a letter from a gentleman in that country, which, after alluding to a discussion in their Lordships' House, on the fact of a high sheriff being superseded, because he would not join in a congratulatory address to the Lord-lieutenant of Ireland, went on to say,

> "What your Lordship stated in the House of Lords, as to the O'Connellism of the Government, will be universally responded to in

Ireland, in consequence of the shameless manner in which Catholics only are selected for preferment. If your Lordship presses for a return of all persons promoted in the police, and in the law, especially in the former department, you will find the Roman Catholics selected are as ten to one. I reside in the county of Armagh, and can venture, from my own personal observation among moderate men, to assure your Lordship, that there exists in the public mind a deep feeling of disgust at Lord Mulgrave's conduct with respect to the disposal of patronage. The complaint is not merely that Roman Catholics are selected, but that among the Roman Catholics the O'Connellites are always preferred. I am confident that any Irish gentleman, connected with my part of the country, could give your Lordship numerous instances of the most glaring O'Connellism on the part of the present Administration."

It was for these reasons that he (Lord Londonderry) distrusted the Lord-lieutenant of Ireland, who was entirely moved by one faction. Unless great changes should be made in the Bill in Committee, he should feel it his duty to oppose the third reading.

Lord *Lyndhurst* inquired whether there would be any objection to introduce into the Bill, a clause applying to the members of the police force in Ireland, the same restriction with regard to the right of voting at elections, as applied to members of the police body in London?

Lord *Melbourne* observed, that the Metropolitan Police Act did not prevent policemen from voting at elections.

Lord *Lyndhurst* believed that it did; but, supposing that it did not, he submitted whether it would be right to allow a large body of persons appointed by the Crown, and removeable at the pleasure of the Crown, to exercise the elective franchise?

Viscount *Melbourne* said, that that was a subject for future consideration; but he was hostile to all such restrictions, and would not consent to their extension. If the Metropolitan Police Act disfranchised the members of the police force, it then might be proper to consider whether the police force in Ireland ought not likewise to be deprived of the right of voting. But unless such a disqualifying clause was to be found in the English Bill, and he was almost sure it was not, he would certainly not agree to its insertion in the Irish Bill. With respect to the provisions of the measure now before their Lordships, he had only one or two observations to make. Considering the fair disposition which had been evinced to allow the Bill to go into Committee, and there to consider whether any improvement might be introduced into the present organization of the Irish police force, he did think that his noble Friend would have done well to abstain from all reference to what had passed in that House last year, and elsewhere during the recess—a reference only calculated to produce angry altercation, which on that, as on every other occasion, he was anxious to avoid. He was anxious to have it remarked, that he did not begin these observations; that he was not the first person to throw out these imputations. He begged it to be distinctly understood by their Lordships and by the country, that on the present occasion, these imputations and attacks did not proceed, in the first instance, from the Ministerial side, but from the other side of the House. His noble Friend had given as a reason why the Bill was not agreed to last year, the lateness of the Session. That reason might have weighed with the noble Lord, but he begged leave to observe, that there were other noble Lords in that House who stated entirely different grounds, of a personal and political nature, for the rejection of that Bill. Those grounds, though not noticed by the noble Lord in the beginning of his speech, were yet distinctly adopted by him at the conclusion; for he had declared it to be exceedingly improper to bestow a profuse power of patronage on any Government. That was a clear and undeniable proposition; but then the noble Lord added, that he particularly distrusted the present Government, because its patronage would be placed at the disposal of those persons without whose support the Government could not exist for a single day. He (Lord Melbourne) had heard similar observations made in other quarters, but he had refrained from noticing them, not out of disrespect to those from whom they proceeded, but because he was unwilling to introduce violence and heat into their Lordships' debate. But as they had been repeated, he begged their Lordships to consider how far that sort of observation was consistent with reason, justice, or sense. The charge was, that they, the Ministry, were dependent on certain Members of the House of Commons for support. Why! every Ministry, he apprehended, was dependent on the majority of the House of Commons for support. The noble Duke and the noble Lords opposite knew that pretty well, though they had contrived to keep in office some time against a majority of the other House. Well, then, the Ministry being dependent on the majority of the House of Commons, they were necessarily dependent on the Members of that House, and they were necessarily dependent *pro tanto*, on every individual; but that the present Ministry was more dependent on one individual than another in that House he utterly and entirely denied. He should not perform his duty to his Sovereign or his country, if he were unnecessarily to reject the support of any of those who were thought worthy by the electoral body of sitting in the House of Commons. If he did so, he should be violating all the principles of the British Constitution under which it was our fortunate lot and condition to live. With respect to the Bill before the House, he begged to confirm the statement of his noble Friend, that it was not intended to make any great or sweeping change in the manner in which the police force was at present constituted. It was not intended to dismiss any person from that force who was found efficient for his duty, or whom the Lord-Lieutenant would not dismiss, if the present Bill were not to pass into law. He did not know what amendment the noble Duke opposite intended to propose, but as explained by the noble Marquis (Londonderry) he thought it one to which the House could not agree, as it would give to the present police officers a life-interest in their offices, and take away from the Lord-Lieutenant of Ireland the power of dismissal at present possessed by him. He felt great surprise at the statement of the noble Duke relative to the difference of the expense of the two systems; and he had in his hands an estimate which gave a very different result; but he would not read it, as it had been made up before the introduction of some amendments into the Bill in another place. He, however, trusted that the country would not be led away by the statement of the noble Duke, that the expense of the proposed system would be more by 200,000*l.* than the existing one. Still the Bill was not proposed as a measure of economy, but as one of policy, its object being the improvement of the police force in Ireland. There was another circumstance which he trusted their Lordships would bear in mind, namely, that this was a Bill in which many previous laws were consolidated; and though some of the enactments might not be found in the Bill of last year, they must not on that account be regarded as entirely new. With respect to the abuse and violent attacks which had been directed against the House of Lords, he, for one, was no party to them. Whatever he had said about that House he had said in it; and he had always considered it the best course to adopt the sentiment expressed by Cicero—*Mihi semper in animo fuit in senatu populum defendere.*

Lord *Lyndhurst* said, he had referred to the Metropolitan Police Act, and he found that one of its clauses prevented the officers from voting at elections.

The Earl of *Haddington* said, that some of his observations had been misunderstood by the noble Viscount opposite. He was quite sure that if the Bill had been considered last year, many of its provisions would have required explanation, but it was rejected on the second reading, on account of the lateness of the Session precluding the possibility of the measure receiving due consideration. The noble Viscount had complained of some remarks which he said proceeded from the Opposition. He (Lord Haddington) had, however, done nothing more than state the facts as he found them. In the first place he stated, that he felt a constitutional jealousy against giving unnecessary patronage to any Government; and he had also observed, that he distrusted the present Government in consequence of the nature of the support by which they were kept in office. He had made that statement as shortly and temperately as he possibly could, and he considered it worthy of their Lordships' consideration; but though the remark proceeded from the Opposition Side of the House, he begged to say, that the anger appeared to be all on the other side.

The *Duke of Wellington* said, he held an estimate of the comparative expense of the two systems of police, which he would read to the House. [The noble Duke here read the estimate, according to which the expense of the proposed system of police would be about 420,000*l.*]

Bill read a second time.

HOUSE OF COMMONS,

Tuesday, April 12, 1836.

MINUTES.] Petitions presented. By Mr. EWART, from the Medical Profession of Liverpool, for Remuneration for Attending Coroners' Inquests.—By Mr. PEASE, from Darlington, for the Revision of the Criminal Law.—By Sir RONALD FERGUSSON and Lord JAMES STEWART, from the Licensed Victuallers of Nottingham, for the Repeal of the Duty on Spirit Licences.—By Mr. GROTE, from London, that the Examination of Parties, where the Magistrates have Summary Jurisdiction, may be taken in Writing.—By Mr. DAVID BARCLAY, from Sunderland, for the Abolition of Flogging in the Army and Navy.

THE BOROUGH OF POOLE.] Mr. *Poulter* rose, pursuant to the notice which he had given, to move for leave to bring in a Bill regarding the Municipal Elections of the Borough of Poole. The Bill did not proceed from anything like a mere afterthought, because, long before any petitions on the subject had been presented to that House, efforts had been made for the purpose of securing a free, fair, and open election in this borough. It appeared, by the evidence taken by the Committee, that mutilated and fictitious papers had been made use of by the defendant's party, and that persons not qualified to vote had been permitted to vote, and a false and fictitious majority had thus been created. The consequence of these proceedings was, that in the north-west ward nine of the common-councilmen were elected by the defendant's party. In the south-west ward two out of nine were elected. A majority in the common-council was thus secured, and this majority created the entire corporation. They elected the mayor—they turned out of office persons of the greatest integrity—and they conferred no less than twelve appointments by virtue of the power that they had thus assumed. There never was a case in which the proceedings had been more unfairly or more irregularly conducted. At the election the papers had been presented by one party in an unfolded state, by the other party in a folded state, and it was supposed that the fictitious and mutilated papers which had afterwards been discovered, were those which had been presented in the folded state. The hon. Gentleman proceeded to state several other instances of what he considered gross fraud, and that the case altogether was one of the most fraudulent nature. He alluded to the case of a young man named James Parker, who had been brought up for the purpose of impersonating his father, a person named James Parker; but at the last stage of the proceeding, the man refused to go through with the impersonation, and this circumstance caused the returning officer to say that he considered the proceeding had been badly managed. He anticipated that an hon. Member might have some constitutional objection to his proposition. The only constitutional objection he could anticipate would be against dealing with a case which would more properly be cognizant before a court of law. He certainly admitted that they might eject the two councillors, as he trusted they would be able to do, by the Court of King's Bench; but, though they might do this, there was no legal proceeding which would enable them to get rid of the corporation which had been founded on those originally fraudulent proceedings. Besides which it should be recollected, by those who urged an objection on constitutional grounds, that there were many cases in which the high functions of that House were called into action, in which it was necessary that they should take cognizance of matters which, considered separately by themselves, were matters properly belonging to the jurisdiction of courts of law. He would only mention as an instance, the case of bribery at elections. The House of Commons had no jurisdiction over that offence looked at by itself; but when its highest powers were called into exercise in an Election Committee, it was compelled to investigate the circumstances attending that offence, which otherwise should be remitted to the courts of law. And again; last year it would be remembered, there was an unfortunate case of military interference at Wolverhampton; now, if that had not gone off happily with a satisfactory explanation, a Committee of that House would have had to take cognizance of, and to examine into, cases of riots, assaults, manslaughter, and even of murder, when at the very moment, perhaps, trials for all those offences might be pending in courts of law. He did believe that this was an exception, an extraordinary exception, to the general rule, and one which he believed had never occurred before; and it was upon these grounds, and upon these principles, that he humbly moved "for leave to bring in a Bill to void all the late Municipal Elections for the Borough of Poole and to proceed to new elections."

Mr. *William Wynn* said, the hon. and learned Gentleman had not removed the constitutional objections which he (Mr. Wynn) had expressed on a former occasion, to the principle of the measure which was proposed to be introduced. As the hon. Member had alluded to him particularly, he would refer to the two most striking arguments which had been urged by the hon. Gentleman, and which appeared to him to have been the only arguments that had been urged to vindicate this proceeding. The hon. Member had stated, that the House took cognizance of many proceedings which were cognizant in a court of law, and stated the case of bribery at an election for the return of a Member to serve in Parliament. There was, however, a considerable difference between bribery at a municipal election, or any other misconduct on such an occasion, and similar misconduct affecting a Parliamentary election. In the latter case, the privileges of the House were distinctly interfered with, and it was in that view that the House took cognizance of it. He contended, that such a course as that proposed by the hon. Member would be most dangerous. It would be objectionable, in the first place, as perhaps affecting any proceeding that might take place in a court of common-law. Independent of this, there was the other objection, that if once Parliament interfered in a case of this kind, and passed a Bill to remedy such a case as the hon. Member had alleged, supposing such a case to be established, they could not, in equity, refuse a Bill to apply to every other case that might be brought under their notice. He entertained great objections to the description of evidence which had been received in the Committee. In the Report to which the Committee had agreed, there were continual references to affidavits in the appendix, in support of statements contained in it. Now, on referring to the appendix, he could not discover one single affidavit; and even if they had been there, was that evidence which would be received in any court of justice in this kingdom? He ventured to say it would not; and then he asked, whether that House would proceed to legislate upon such evidence? He must say, that he entertained great apprehension of danger from these new proceedings. He considered that if the principle of the interference of Parliament in cases of this description were once established, there was an end to the influence of the cognizance of such proceedings before the courts of law, and whether alone or supported by the decision of the House, he would protest against the proposed measure, which, in his mind, was calculated to open the door to every kind of oppression and inconvenience to the public. He did not intend of himself to press a division, but he should record his decided disapprobation of the proposed measure.

Mr. *Poulter* begged to say a word, in explanation, after what had fallen from the right hon. Gentleman in respect to the evidence which was referred to in the Report. When the Committee met they found the greatest inconvenience and expense would arise from compelling persons to come up from Poole, and stay in London perhaps several days for the sole purpose of proving the manner in which they had given their votes; a point on which no question was raised by any person during the whole inquiry. It was for that reason, the Committee decided to receive the affidavits of those persons on that point not as legal evidence (for that he admitted they could not be considered) but as *primâ facie* evidence, with the consent of both parties to the inquiry. It was mere accident that prevented the affidavits appearing in the Report; it was quite evident they were intended to be introduced from the allusions which the Report made to them.

The *Solicitor General* said, he should be governed in the vote which he intended to give, for the motion of his hon. Friend, by one principle shortly stated, easily understood, and consistent, too, with all the observations which had fallen from the right hon. Gentleman opposite. A petition had been presented to that House by the hon. Member for Huddersfield (Mr. Blackburne), stating various matters of complaint relative to the late municipal elections for the borough of Poole. That petition, after great discussion, was referred to a Committee, composed of eleven Gentlemen, five of whom usually voted on the other side of the House; as fair a Committee as could be formed with an odd number: and that Committee was directed "to inquire into all the circumstances attending the late election of the Municipal Council for the Borough of Poole." That Committee, having gone into evidence at great length, unanimously agreed to a Report recommending the adoption of some legislative measure as a remedy for the abuses into which they had been directed to inquire. Now, with such a recommendation from a Committee of that House, to tell his hon. Friend that the House would not permit him, as Chairman of that Committee, to act upon its Report, by bringing in a Bill to remove the fraudulently elected corporation was, he must say, a most singular course. He should give his cordial vote for the motion of his hon. Friend, reserving to himself of course the right of fully considering the details of the Bill which he asked leave to introduce.

Mr. *Aglionby* said, he could fully corroborate the statement of his hon. Friend as to the affidavits being only received by the Committee as *primâ facie* evidence upon a question admitted by both parties. It might be satisfactory to the House also to know that though he (Mr. Aglionby) thought the case required a stronger remedy than that now proposed, the Committee were unanimous in their adoption of the Report which now laid upon the Table of the House.

Leave was given to bring in the Bill.

LANDED PROPERTY OF INTESTATES.] Mr. *Ewart*, being called upon by the Speaker, said, he understood that the hon. Member for Truro intended to oppose the Bill which he was about to ask leave to bring in; if so, he hoped the hon. Member would avow his intention openly at once, and not reserve himself to overturn it in some subsequent stage by a side-wind.

Mr. *Tooke* certainly was prepared to object to the principle of the Bill which the hon. and learned Member wished to bring in. He should leave the hon. and learned Member, however, to adopt whatever course he thought fit on the subject, merely suggesting to him that, in the present thin state of the House, it was hardly convenient to enter upon the discussion of so important a principle as that which his Bill embraced.

Mr. *Williams Wynn* hoped the hon. Member would not discuss in so thin a House a subject which involved an alteration in all the principles of our law concerning property.

Mr. *Ewart* trusted the House would allow him to state his reasons for the motion he intended to make. He rose to move for leave to bring in a Bill providing that (in cases of intestacy and in the absence of any settlement to the contrary) landed property should, like personal property, be equally divided among the children or other next of kin of the deceased. His object was twofold; first, simply to assert the principle that, when the deceased had been silent as to the distribution of his landed property, the law should not unjustly, in his opinion, and even cruelly, presume in favour of unequal distribution. His next object was to make the executor the channel for the conveyance of real, as he is now of personal property. In France, in Prussia, in Italy, even in Austria and in other European countries, the presumption in favour of equal partition almost universally prevailed. He need not remind the House that the United States of America had also shaken off this unjust feudal principle. He was aware that some of the opponents of his measure would say, "that the change proposed would produce little or no effect." If so, why maintain any longer a principle the injustice of which was not denied; especially when he could show that, merely in a legal point of view, the measure he suggested would be attended with considerable advantage? Another class of opponents of the measure would resist it on general principles. One of their favourite arguments was this: that the existing law, by bestowing all the property on the eldest son, threw the rest of the family into the mass of the people; that thus the younger branches of the aristocracy became a portion of the people, and were again implanted in the soil from which they originally sprung. This he conceived was a fallacy, unsupported by theory and contradicted by experience. He would put it to this test. Let the public only look to those professions which require industry and talent for the certainty of advancement; let them look to the eminent profession of medicine, to the courts of law, to the judicial benches; let them turn towards the mercantile profession; in all these laborious occupations they would find the appearance of even a single member of an aristocratical family the exception, not the rule. But in professions where patronage was the principal means of advancement, in the army, the navy, the Church, they would find the appearance of aristocratic names infinitely more frequent than where merit and toil were the ways to fortune. This objection, therefore, he held to be fallacious. The next objection sprung from a portion of the political economists. He had, however, on his side, the more philosophic writers, among them Adam Smith, Say, Simondi, while his principal modern opponent was, he believed, Mr. M'Culloch. The main argument of this class of opponents was, that the law of primogeniture favoured the distribution of property into large masses, and thus encouraged the reproduction of wealth. But he apprehended that this also was an error. Even in France, a country where not only property was equally divided in cases of intestacy, but where a testator was restricted from making an arbitrary distribution of it, even there the effect of such a law had been in many cases not infinite partition, but increased accumulation. The fact was stated by M. de Cazes (among others) in the celebrated debate on the *Droit d'Ainisse;* and it appeared from the tables (of unquestionable authority) in the work of Mr. Henry Bulwer, who had ably treated this subject, that the general result in France for many years past had only been a slight increase of subdivision. On the other hand, in Ireland, where (as in this country) the law of unequal distribution continues to prevail, the land was infinitely subdivided. The fact was, that in civilized times and in civilized countries, the division of accumulation of landed property, like that of personal property, would follow the interests of the community. The best thing they could do for it was to leave it free; not interposing artificial obstacles, which were fraught with mischief as well as with injustice. For his (Mr. Ewart's) part he could conceive no class so beneficial to a country as a class of resident proprietors. If long leases were favourable to good cultivation, much more so must be the personal proprietorship of an individual. Enormous masses of property partook necessarily, more or less, of the character of absenteeship. It was for the interests of society that the proprietor should be himself professionally engaged in the pursuit with which his welfare was identified. In his opinion, this partial presumption of the law in behalf of one favoured individual, was a source of domestic evil. It was a premium on the selfish passions of human nature. He believed that many who, like himself, had been behind the scenes at our places of aristocratical education, could testify to the unnatural feelings which this law or custom had engendered. He would draw a veil over such feelings, and say, in language far more expressive than any other he could use, that under the influence of such an usage,

> " ——— Gaudebant fraterno funere fratres,
> Destitit extinctos natus lugere parentes."

The measure which he proposed, would also have the advantage of simplifying, cheapening, and expediting legal proceedings. Under it the executor or the administrator would become the channel through which real or personal property might be distributed. Instead of a long and expensive inquiry after the parties to the succession, application might at once be made to the personal representative of the deceased. This measure would also be a remedy for acts of injustice, such as the following: Under the existing law, for instance, if a man purchased a freehold estate, and raised half the purchase-money by mortgage of half the purchased estate, and died intestate, his heir would have a right to claim the discharge of this mortgage out of the personal estate of the deceased. So that the grandson of such a person (if he were the heir) might absorb in the liquidation of the claim upon the landed property, the whole of the personal property, and take it all away from the very children of the deceased. Evils such as these would be obviated by the measure which he (Mr. Ewart) proposed. Some might be of opinion that it did not proceed far enough. In his opinion entails also would eventually be deemed contrary to public policy. On this point opinions might vary; but the principles on which his measure was founded, were those of justice, and deserved consideration. He thought that the time was not distant when such principles would be, as they deserved to be, dear to the middle class and the democracy of England.

Mr. *Hume* rose to second the Motion which had just been so ably advocated by his hon. Friend; and he should be very happy to hear those who differed from his hon. Friend's arguments take the trouble to answer them if they could. He (Mr. Hume) had always considered the present state of the law unfair; putting, as it did, the power into a father's hands of leaving a portion of his family totally unprovided for. By the law of nature, a man was bound to provide for the children which he had brought into the world. He was sorry to find that his hon. Friend, the Member for Truro, was so desirous to oppose that which appeared to him so very excellent a measure. At the same time he hoped his hon. Friend would favour the House with the reasons why he opposed it. He hoped he would look at the general principles of justice upon which all our laws were founded, and hold himself prepared to sacrifice any individual advantage he might derive from the present state of the law to the general interests of the community at large. For his own part, he could only say, that from one end of the country to the other, except only by those whose interests would be immediately affected by it, a measure like this would be hailed as one of justice and expediency.

Mr. *Tooke* said, he had no personal interest against the principle of the present motion, for he was himself a younger brother; but he would oppose the principle, however, most strenuously, because he thought it was one which, in a House like the present, it was highly inconvenient to discuss at all. He did not think, that a question of this kind ought to be brought forward without some inquiry on the part of Parliament; but the hon. Member had suddenly brought it without preparation or notice. Such a proposition would not meet the support of that House, nor the support of the public at large. He was sure that the law officers of the Crown, the Attorney and Solicitor General, would not come forward as the advocates of such a measure. It might have a few supporters, many of whom perhaps entertained ulterior views, but he did not think that it would find much support amongst the sound and well-thinking part of the English people. This was a question involving one of the fundamental bulwarks of the constitution and stability of property, extending to the total destruction of that fair and reasonable influence which the property and aristocracy of the country was allowed to possess. He called upon the House, therefore, to interpose against the very initiatory step of such a measure as the present, and not allow it to be brought even to a second reading.

Mr. *Roebuck;* Sir, the hon. and learned Gentleman, who has just sat down, in rising to oppose the motion of my hon. Friend, the Member for Liverpool, has in an off hand way, in the short space of a five minutes speech, taken upon himself to decide a question which has long occupied the attention and engaged the investigation of men, profound, intelligent, and philosophical: men learned in the law—not in that subordinate branch of it only to which the hon. Gentleman belongs, but in those higher branches of the study which are founded on science. The whole of the argumentation of the hon. Member (and I do him great honour in calling it argumentation) consisted in this, that this measure was not brought forward by the Government. Why, Sir, nothing is ever brought forward by the Government, until they are compelled to it by the people: some hon. Member, like my hon. Friend in this instance, brings the subject before the consideration of the House; public attention is directed to it, and though for the first time, perhaps the motion may be rejected, the period arrives when the people come forward and compel the Government to take the matter up. Then, Sir, the hon. Gentleman says this is a question not fit to be discussed. What is the question, Sir? It is this, that whereas, by the English law, contrary to all systems of jurisprudence, a distinction is made in the manner in which property is devolved, between the two species of property called real and personal by the English law. The hon. Gentleman, the Member for Liverpool, in common with every jurist in Europe, thinks this is a distinction which ought not to exist; and considers it is a fair subject for deliberation in this House, whether or not it is an erroneous distinction; and this, Sir, is the question on which the hon. Member for Truro gets up and says, "It is a question of such great public importance; it is one involving so tremendous an amount of private interest and personal consideration; in short it is so serious a matter, that you are not to be permitted to discuss it." That is the reasoning of the hon. Gentleman: well then, Sir, what does the hon. Member for Truro say further? he seemed to consider the law of primogeniture the great basis of the constitution; he seemed to think that the existence of the aristocracy of this country was bound up with the law of primogeniture. Why, Sir, if he means, that the aristocracy of this country cannot exist without the "influence," derived from large masses of property, which are accumulated under the present system in their hands, I say the sooner you get rid of the aristocracy the better. If they desire to influence their fellow countrymen, let them obtain that influence by intelligence and moral worth: the influence derived from those great masses of property which are accumulated in their hands by the present system, is injurious to the State. If the hon. Member for Truro means to say, that the House of Lords cannot exist without those masses of property, then the sooner that House is got rid of the better. [*Oh*, from Mr. *Trevor*.] The hon. Member opposite seems surprised at that; but I tell him, that before he descends into that grave, into which all must descend, (and I hope it will not be for many long years) he will hear much more extravagant declarations; and if I am not mistaken, he will see those principles carried into full operation. The time will inevitably come, when horrible and terrifying as the prospect of it may seem, when large masses of property will no longer enable a man to clog and control the course of justice; and when a man will be regarded, and have influence on personal considerations alone. On these grounds I give my cordial support to the motion of my hon. Friend.

The *Chancellor of the Exchequer* was of opinion, that the present was not a fit time to entertain a question of such magnitude, as that involved in the motion of the hon. Member for Liverpool. Dealing with the question, even on the basis of the arguments of the hon. Member for Liverpool, he did not concur in the opinion, that the present law of descent impeded the improvement of the country. He was satisfied, that if a comparison were instituted between the relative condition of this country to that of France and America, that test was one which would not prove the superiority of those nations in this respect over this empire. But when he perceived the view which the hon. Member for Bath took of this motion, he felt the more strongly impressed with the necessity of opposing it. Let that hon. Member, instead of introducing the momentous question of the abolition of hereditary distinctions and the power of the House of Lords, as incidental to this matter, bring forward a distinct proposition on the subject, and he would be prepared to grapple with it; and he trusted, to prove that, however the hon. Member might flatter himself that there was a party in the country which coincided with him on this subject, his sentiments were not supported by the mass of its inhabitants, as they were represented in that House. It was, in his opinion, a false hypothesis—it was an arrant mistake to suppose that a case was made out for the destruction of one branch of the Legislature, solely because it occasionally caused irregularity or inconvenience, consequences which he (the Chancellor of the Exchequer) had often deplored as resulting from the conduct of that branch of the Legislature, but which were not to be fixed on as peculiar to that institution alone, but rather to be regarded as an incident to which every human institution was subject. On those grounds, if the House went to a division, he was prepared to oppose the introduction of the Bill.

Mr. *Aglionby:* I rise to rescue the hon. Member for Liverpool, from the unfair speech of the right hon. Gentleman, the Chancellor of the Exchequer. Every sentence of that speech is, not an answer to the motion of my honorable Friend, but to the hon. Member for Bath. Now, Sir, I for one beg to say, that I support the motion on far different grounds from those which appear to influence that hon. and learned Member, and I protest on my own part, and on the part of my hon. Friend, the Member for Liverpool, against being bound by any thing that has fallen from the hon. and learned Member. Reference has been made to the thin attendance of Members on the present occasion as an argument against bringing forward the motion. Why, Sir, whose fault is it that we have a thin House? And if hon. Gentlemen will not attend and do their duty, are other hon. Members to be prevented from voting according to their conscientious convictions? And as to the time of the Session also, to which the hon. Member for Truro alluded, what is there in that? I am quite sure we shall have time amply sufficient to discuss this measure. The right hon. Gentleman, the Chancellor of the Exchequer, referred to the Real Property Commission, and said, that they had not recommended the alteration proposed by the hon. Member for Liverpool. That would be a strong argument certainly, if founded in truth; but the fact is, that that Commission had no power to propose new laws; their powers were expressly limited to revising the laws which already existed. This is the only argument which has been brought against my hon. Friend's motion, worth considering: there is no foundation in it, as I think the House will see, and I shall, therefore, give him my strenuous support.

The *Attorney General* observed, that the question which the House had to determine was, whether or not it was expedient that this Bill should be introduced? Now, without entering into the question of the law of primogeniture, on which he had bestowed much attention, and on which he had expressed opinions to which he still adhered, he was prepared to maintain, that the public time might be much better employed, in the present state of the business of the House and the public feeling of the country, than in discussing a speculative question such as that which had been brought forward. As far as the argument of the hon. Member for Bath was concerned, he should only remind him, that to effect the object which he seemed desirous of seeing attained, it would be necessary to go further than he proposed, namely, to destroy the power of making marriage settlements and wills, because whilst that subsisted, there was no means of preventing property from being accumulated, and by a certain portion of the community, and transmitted to their heirs. With respect to the object of this Bill, as stated by the hon. Member for Liverpool, it would, in his opinion, produce no effect. What was proposed by it? To have the real property of a man who died intestate divided amongst his heirs equally. But in ninety-nine cases out of every 100, real property was disposed of either by settlement or will. As to the example of France, with regard to primogeniture, he trusted it was one which would never be followed by this country. As he had already said, this was a very inopportune occasion for discussing the principle of primogeniture, when so many subjects of pressing importance claimed the attention of Parliament. He was lately asked by several hon. Members, when he meant to introduce a measure for doing away with the defects to which the franchise of the country, in its present state, was subject. He hoped, with the assistance of his noble Friend near him (Lord John Russell), soon to be able to do so; and that was an improvement which it was much more desirable to endeavour to effect, than to spend the public time in the discussion of an abstract question such as that now before the House.

Sir *Robert Inglis* was happy, after the speech of the hon. Member for Bath, to hear the speeches of the Chancellor of the Exchequer and the Attorney-General. It was not the speech of the hon. Member for Bath, but the cheers with which it was received, that made it right that it should be replied to by a Member of the Government, and the law advisers of the Crown. The hon. Member for Bath had left no doubt either of his wish, or of his object, should his life be prolonged. One object was the practical annihilation of one branch of the Legislature. He saw the hon. Member for Bath nodded assent. Then the present question was not whether they would agree with the hon. Member for Liverpool, but whether they would follow the hon. Member for Bath? The commentator was of equal authority with the author. The real question was, whether the House of Lords was to be overthrown and destroyed? The hon. Member for Bath must go further than the proposed Bill, and he meant to go further, because if he did not, how could he prevent the accumulation of property in the hands of eldest sons? When he entered the House, he thought it scarcely possible that such a question should be discussed in such a House. He trusted the House would reject the motion.

Colonel *Thompson* said, the mention of the House of Lords originated with the hon. Member for Truro, though they now sought to turn it to the disadvantage of his side of the House. He thought he could prove that this question was not unimportant in the public opinion of the people of England. He was lately in a large assembly of the intelligent citizens of a populous commercial town, who called on him to discourse to them on a political subject; and when the subject was announced, what was it but this of primogeniture. He did so, and he found a persuasion in their minds that the effect of the system of primogeniture was to concentrate power in the eldest branches of families, to enable them to support the junior branches at the public expense. It was supposed that great peril and danger might arise from the portioning of landed property. He had given the subject the best consideration in his power, and could not see any cause of alarm. If the division of landed property was carried on, as in some parts of France, till some of the proprietors were as poor as the cotters in Ireland, the only result would be, that these proprietors would be poor without hard work, while the Irish were poor with hard work.

Mr. *Arthur Trevor:* the hon. and learned Member for Bath was pleased to wish me lengthened days, for which I am extremely obliged to him; but I must say, that long as my life may be, I hope I shall never sit on the same benches with the hon. Gentleman. I shall certainly most strongly oppose the present motion, for, though I am scarcely surprised at any thing which emanates from the opposite side, yet I own I was not prepared for so monstrous and extravagant a proposition as this; and one which would involve the whole landed property of the country in chaos and confusion.

Mr. *Warburton* said, it was most unwarrantable to oppose the introduction of a measure solely on the ground of the good or evil effects which an hon. Member might anticipate from its being carried into a law. On the same principle that this measure was opposed—namely, the opinion of the hon. Member for Bath that it would have the effect of dividing the wealth and diminishing the power of the aristocracy—the change in the law when fines and recoveries were first allowed, might have been resisted. No alteration was better calculated than that to spread the wealth of the aristocracy; and surely no measure could be devised which was more likely to have the effect of lessening their power than the Reform Bill. These changes were, however, effected, notwithstanding the prophecies which some expressed of their injurious consequences. So in like manner should Parliament sanction the present motion if it were considered likely to prove beneficial.

The *Solicitor General* quite agreed with the hon. Member who spoke last, that the House should not be deterred from entertaining the consideration of a measure of salutary reform, solely on the ground that some hon. Members presaged that evils would result from its passing. But he was unprepared to sanction a measure which would be inefficient and mischievous, by giving it the name of a reform. The measure would, in his opinion, be perfectly nugatory. [*Hear, hear*]. He understood the meaning of that cheer, which was this—"if the measure be nugatory, why not allow it to pass?" That was certainly a crude system of legislation which the hon. Member seemed anxious to have adopted, and which was grounded on this argument, "because this measure is not likely to have any effect, therefore you are bound to vote for it." It was unquestionable, that, in ninety-nine cases out of every one hundred, property was not regulated by the law of the land, but by a law of the individual's own creation, in the disposal of his property either by will, by lease, or bond, or by some such process, by which he distributed his property. It was said that in Kent, where this equal partition of landed property existed, the distribution was smaller than in Northumberland. So it was; but not smaller than in Surrey, where there was an influx of small capital, which was employed in the purchase of small estates. It was said, that the measure was required, but to show how little the public thought of the subject generally, he might mention that there was at the moment a Bill on the table for the total annihilation of gavel-kind throughout the kingdom (not even excepting the county of Kent, in which the system of participation now exclusively prevailed), and up to the present hour, not one petition had been presented against it. Upon every consideration of the question he felt called upon to resist the motion.

Mr. *William Smith O'Brien* thought the best course would be to meet the Motion with an amendment of the previous question, which he accordingly proposed.

Mr. *Jervis* seconded the amendment.

On the question being put from the Chair,

Mr. *Grote* said, he could not help thinking that by far the greater portion of the observations made by the hon. Member for Truro were totally unconnected with the question at issue. If the discussion had been diverted from the intention of its originator into a question as to the bearings and inferences, whether favourable or unfavourable, of the contemplated measure upon the aristocracy of the country, it was the hon. Member to whom he alluded, and not the hon. Member for Bath, who first set that example. From the supposition that the hon. Member for

Liverpool contemplated any such discussion as likely to originate from his motion he entirely acquitted him, and he could not refrain from observing, that much injustice had been done him by the attributing an expectation of the kind. Having said so much, in justice to his hon. Friend, he had to beg the attention of the House while he said a word or two upon the general question thus brought under notice. Had he any hope that the subject would be again brought under notice during the Session, he would not now have troubled the House, but as the observations which had fallen from the Members of the Government held out no such prospect, he felt called upon to take the opportunity now offered of expressing his cordial acquiescence in the principle upon which the proposed measure was founded. That the law of the land should be made closely to follow those principles which accorded best with justice, was a self-evident proposition. Now he must say, that if, by the operation of any law, the whole of a man's property was handed over to one child to the exclusion of others, that law was altogether irreconcileable with any view of either justice or equity. This was the principle upon which he supported the motion, and although, in ninety-nine cases out of a hundred, it might prove inoperative, if from no other motive than an unwillingness to suffer so glaring an infringement of domestic justice to have the sanction of the law, he would continue to do so upon every occasion, and in whatever shape the subject might be brought under the notice of the House. But it was not to intestate cases alone that he intended his observations to apply. He was anxious that in all cases an equal participation of property should take place, and he derived an additional inducement to support his hon. Friend's Bill, in the expectation that its enactments might set an example to all fathers in the disposal of their effects. Where a preference was given in any degree by a testator, the family invariably became divided by domestic feuds and bickerings. If for no other reason, he would be inclined certainly to support any measure calculated to discontinue, if not prohibit, the continuance of that practice. Such being his opinion, as to the principle upon which his hon. Friend's motion was based, it was scarcely necessary for him in conclusion to observe, that it had his entire acquiescence, and in the event of a division, should meet with his support.

Mr. *Villiers* observed, that settlements generally followed the law. The law declared, that land should descend to the eldest sons, and that personal property should be distributed equally amongst all the children. That this was the manner in which property was generally settled the Solicitor General could not deny. This proved, that the law influenced public opinion in matters of settlement, and therefore he did not consider it wholly inoperative. In case of a division, the motion should have his vote.

Lord *John Russell* rose chiefly in consequence of the amendment of the hon. Member for Clare, and the observations subsequently made by the hon. Member for London, to address a few observations to the House. He thought it was already clearly proved by the law officers of the Crown, that if they fairly considered the Bill which the hon. Member proposed to bring in, it would be found inoperative in ninety-nine out of 100 of the cases it was intended to meet. Now, this fact he looked upon as being in itself quite sufficient to justify his opposition to the proposition. He could not, however, so meet the hon. Member for London. That hon. Member's argument, if he understood it rightly, was to the effect, that although the Bill might be found inoperative, it would be advisable to have a legislative declaration, that the law of the land as it now stood, with respect to the succession of property, was unjust. Now, that was the very conclusion to which he did not wish to come. There were now two propositions before the House. There was in the first place the proposition of the hon. Member for Liverpool to bring in a Bill which it was proved would be inoperative, and there was the further proposition for making a declaration which, without in any way remedying the defect, would, *ipso facto*, proclaim the present law relating to successions to be an unjust one. Now could the Government stop at such a point—could the Legislature stop at such a point? In his opinion, if the House agreed with the hon. Member for London, in declaring the existing law of descent of property to the eldest son an injustice, it would be obliged, as a consequence, to do that which the French people had compelled the French Chamber of Deputies to do—namely, to pass a law taking from the father of a family the power of committing such injustice; or, in other words, to determine, that where a man had a certain number of children, and a certain amount of property, he should not give a larger portion to one than another, but distribute equally according to the laws of justice. Such being his opinion, as the consequence of the proposed Bill, he should vote against it; and he desired it should be understood, that this opposition was occasioned not by the circumstance of the motion having been brought forward in a thin House, but a disinclination to give any encouragement to the principle upon which it was founded. He had only in conclusion to observe, that thinking it would be better to meet the motion with a direct negative, it was his intention to oppose the amendment of the hon. Member for Clare.

Mr. *Pease* thought, that they ought not to refuse to apply a first principle in a particular instance, because the principle which more generally prevailed was an unjust one. The present case merely applied to intestate persons, and he thought the State ought to interfere in a manner strictly in accordance with the principles of justice. From the law, as it at present existed, many inconveniences resulted. It was the custom with persons who, in trade, accumulated money, to invest it in landed property, and to apportion their property equally among their children; they had to make their wills once a-year, as they increased their investments. They sometimes, on an average, had to make their wills five times every six years—a necessity created by the existing law, which was exceedingly inconvenient.

Mr. *Williams Wynn* concurred with the noble Lord (Lord John Russell), that this was a motion which ought not to be got rid of by the previous question. He objected to it, not only on the ground that it would be nugatory, but that the principle would be mischievous. The law and practice, which gives the preference to Primogeniture in the disposition of property, were so interwoven with our habits and customs, that they ought not to be changed on light grounds; and he had yet heard no ground sufficiently strong to induce him to consent to the proposition. If Parliament were to declare this law unjust, it would be impossible to prevent the consequences, and they would be subversive of the constitution of the House of Lords. The succession of property must go in the peerage to the eldest son, and it would be impossible to keep up the principle of such succession if there were to be an equal division of property in other cases. If the nobility of England were a separate caste, as in some nations, the rank descending equally to all the children, there might be some ground for dividing the property equally among them; but where the succession was to be kept up only in the person of one, and all the rest was merged in the mass of the people, it would be impossible to make an equal division of the property. The great mass of it must descend with and support the rank. If the property were subdivided, what was to become of the title, which must descend to one, and could not, like the property, be divided amongst all? In fact, hereditary nobility and the disposition of property were so blended together, that it was not possible to disturb the one without endangering the other. They could not change this part of the law without endangering the whole system of hereditary succession. For that step, he was not prepared; and, therefore, was most anxious that the proposition should be met by a direct negative. He was convinced, that the present law was more conducive to the happiness of the State at large, and to individuals in general, than if a more equal division of landed property were to prevail. Where had any country attained to greater prosperity under the enforcement of the law of equal distribution, than this country had attained under the law of Primogeniture? Although the ancient law of France, like the present, restrained the parent from giving more than a certain portion of his property to his eldest son, a portion which varied in many of the provinces, yet the practice was brought much nearer to the law prevailing in England; but that was done by means of persecution and injustice; for the younger children were left by their parents to starve, unless they would renounce their share of the future estate to which they might be entitled. No argument had been adduced, to show that this would be an improvement of the law of England, or that it would tend to make the country happy. The United States of America had been referred to; but the circumstances of England and the United States of America were widely different. The one country was a republic—the other, a hereditary monarchy. The one was a mixture of monarchy, aristocracy, and democracy—the other was a pure democracy, without any admixture of aristocracy. If he supposed it desirable to get rid of the aristocracy and monarchy, he should feel that the measure of the hon. Gentleman was one great step towards the accomplishment of that object. But it would not stop there; for the argument of the hon. and learned Member for Bath went much further. He said, that he hoped those masses of property which now exist in this country would finally be dispersed; and, according to his view, we ought to have an agrarian law. [Mr. *Roebuck: No! No!*] Nothing else could be the consequence of the principle which the hon. Gentleman advocated; possibly, indeed, not in the course of one life; but that principle, if adopted, would ultimately lead to such a result. If this measure were fit to be sanctioned by the House, it must be maintained on much stronger, and much more forcible, grounds than any that had as yet been urged; but believing that it would, if passed into a law, produce those consequences which he had described and deprecated, though it did not necessarily bear on its face any such ulterior objects, he should vote decidedly against it.

Mr. *William Smith O'Brien* consented to withdraw his amendment, but in case the House went to a division, he should be compelled to vote in favour of the Bill.

Mr. *Ewart* said, in reply, that he did not consider he had been generously dealt with by the hon. Gentlemen on the opposite side of the House. Although he felt the honour of being supported by the talents of his hon. Friend, the Member for Bath, he did not think it fair, that he should be bound by all he said. He should not, and never had intended to withdraw his motion.

The House divided on the original motion: Ayes 29; Noes 45:—Majority 16.

Leave to bring in the Bill refused.

The AYES.

Aglionby, H. A.
Barnard, E. G.
Beauclerk, Major
Bish, T.
Bowring, Dr.
Brodie, W. B.
Buckingham, J. S.
Butler, hon. P.
Chichester, J.
Elphinstone, H.
Grote, G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hume, J.
Jervis, J.
Leader, J. T.
Molesworth, Sir W.
O'Brien, W. S.
Pease, J.
Roebuck, J. A.
Scholefield, J.
Strutt, E.
Thompson, Colonel
Thornely, T.
Tulk, C. A.
Wakley, T.
Warburton, H.

TELLERS.

Ewart, W.
Villiers, C. P.

THE NOES.

Adam, Sir C.
Agnew, Sir A.
Angerstein, J.
Archdall, M.
Baines, E.
Baring, F. T.
Baring T.
Bonham, R. F.
Campbell, Sir J.
Chapman, A.
Clerk, Sir G.
Cripps, J.
Dick, Q.
Dundas, hon. T.
Follet, Sir W.
Forster, C. S.
French, F.
Hay, Sir J.
Hay, Sir A. L.
Hobhouse, right hon. Sir J.
Howick, Lord Visct.
Inglis, Sir R.
Lambton, H.
Lushington, Dr.
Macleod, R.
Mangles, J.
Pechell, Captain
Peel, rt. hon. W. Y.
Pelham, hon. C.
Pollington, Lord Vist.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Sandford, E. A.
Steuart, R.
Stuart, Lord D.
Talfourd, Sergeant
Tancred, H. W.
Trelawney, Sir W.
Trevor, hon. A.
Twiss, H.
Vere, Sir C.
Wigney, I, N.
Wilson, H.
Wynn, rt. hn. C.W.

TELLERS.

Tooke, W.
Stanley, J.

OYSTER FISHERIES.] Mr. *Francis Baring* rose to draw the attention of the House to the necessity of making some more effectual provision for the protection of the breed of oysters on our coasts. The Osyter Fishery, he was sorry to say, was not so well guarded as the fisheries for this valuable fish upon the coast of France by its Government. It was well known to the naturalist, as well as the fisherman, that the worst results followed in all cases where the oyster beds were disturbed, or attempted to be dredged, during the breeding season, and that a precise period should be fixed, when the oyster had obtained a certain size, before which it should be illegal to take the young oysters off the bed. On the south-west coast there was a district in which he was assured that the breed of fish had been so much disturbed, by irregularities on the part of the fishermen, that out of 300 boats employed formerly, only ten or fifteen boats were engaged at the present period in this fishery. The object of the Bill he now moved for leave to introduce was two-fold—to ensure an adequate supply, and provide a resource for the industry of a very meritorious class of seamen, who were wont to look to this fishery as their legitimate field of occupation. The hon. Member concluded by moving for leave to bring in a Bill for the better regulation and improvement of the Oyster Fisheries in England and Wales.

Captain *Pechell* perfectly concurred in the propriety of such an enactment. From what he had so often witnessed of the Oyster Fishery on the Coast of Sussex and Hampshire, he was convinced some measure of the kind was necessary. He felt convinced that by it the interests of our military marine, and the maritime strength of the country would be promoted.

Leave given to bring in the Bill.

Russia Company.] Mr. *Hume* rose to move for Returns of the Dues paid to the Russian Company of Merchants trading to Petersburg and elsewhere, on Russian produce, imported into this country, with Copies of the Charter of the Russian Company, the Duties payable on admission into the Company by Merchants enrolled, and the Rules existing for the conduct of the affairs of the Russian Company. The duties levied on Russian produce, imported were, under the direction of the Russian Incorporated Company, a species of antiquated system of monopoly, which it was high time the Government should abrogate. There was one striking inconsistency in the present system, which was, that the Charter only extended to the ports of old Russia; so that imports from her new acquisition of territory were—though these ports were fully one-half of all the Russian Ports—exempt from control of the Russian Company. And another anomaly was, that these dues were not allowed by the Act of Incorporation to be levied on Russian imports into ports of Ireland and Scotland. Many oaths were required by the regulations of the Company, for the purpose of identifying the property as Russian property, which ought now at once to be abolished. He hoped to have the assent of the present enlightened Government to a future measure, which should abolish these dues, and bring back this trade to the sound principle which was now so properly acted upon with respect to other branches of our commerce. He concluded by moving for the Returns already mentioned, which were granted.

Metropolitan Police.] Mr. *Hume* move for Returns of the expense of the Metropolitan and City Police Establishments for the last year. He had been one of a Committee which sat upon the subject of the police force for two years, and he had been happy to join that Committee in its approbation of the constitution and efficiency of that force, being himself a friend to the great principle of consolidation in these institutions. He had, however, since made representations which he believed would, if followed up, have saved a considerable portion of the 200,000*l.* which this body of men—4,000 men at present—cost the public. It was singular that, after the admitted advantages derivable from the centralization and consolidation of the police force in the Metropolis, there should be a force, namely—the Mounted Patrole, which was not subject to the Metropolitan Police Commissioners, but was governed and controlled by a set of Magistrates, the most active of whom was a clerk of the Home Office. There were no less than nine police officers whose appointment devolved to the Magistrates including the River Thames District. The consequence was, there was a constant jealousy between the Magistrates' police and the Metropolitan, which too often displayed itself to the interruption of justice, and in a departure from that line of cordial co-operation which it was anticipated would have been the result of placing the whole police force under one controlling authority. If this were remedied he thought the expense of three or four hundred men might be saved, and there would be no occasion to vote the usual grant of 60,000*l.* yearly out of the Consolidated Fund. Owing to the jealousy of the City authorities, there was some difficulty in coming at the amount of charge made to the public for the City Police; but he hoped, that as the City would probably be brought this Session under the same wholesome regulations as other Corporations throughout the country, those difficulties would vanish, and no opposition would be offered to the project of consolidation and uniform control. The hon. Member moved for Returns of the expense of the Metropolitan Police, the City Police, the Mounted Patrole, and the Regulations of the Police Officers, with the fines and fees levied thereon for the last year.

Sir *Thomas Freemantle* should not object to the motion of the hon. Member for Middlesex, though he entertained some doubts as to the possibility of obtaining part of the information sought, particularly as regarded the police of the city of London. He admitted, that it was most desirable that the whole police force of the metropolis should be under one head.

Mr. *Charles Ross* expressed his gratification at the manner in which the Police

Bill had operated, and thought that it was most desirable that the officers at the head of the establishment should have the power of granting gratuitous rewards and pensions to persons belonging to the force who had conducted themselves in a manner to entitle themselves to such distinctions.

The *Chancellor of the Exchequer* entirely concurred, that the principle of remuneration ought to be extended; and it was most satisfactory to him to find, however persons might have differed in opinion as to the propriety of establishing the present system of police, that all parties now bore testimony to the admirable manner in which the force performed their duties. He believed the conduct of the Commissioners at the head of it had been such as to give entire satisfaction.

Colonel *Sibthorp,* having opposed the Bill for the establishment of the new police, said he should feel ashamed of himself if he did not now stand forward and bear his testimony to the very valuable services performed by the force; and he would say that more able men than the Commissioners did not exist.

Mr. *Hume* said, he apprehended there would be no difficulty in obtaining the returns from the City of London, as alluded to by the hon. Baronet, because all Municipal Corporations were bound to obey the orders of that House. He begged to ask the Members of the Government whether, because he understood some such decision had been come to with respect to the constabulary of Ireland, it was true that officers on half-pay, who were to be employed in that force were not to be allowed to receive their half-pay? However this might be, he trusted that any rule established in this respect would be general, both as regarded England and Ireland.

The Returns were ordered.

SUPPLY—ORDNANCE.] On bringing up the report of the Committee of Supply,

Mr. *Hume* took the opportunity of protesting against the whole system of the Ordnance Establishment. The Ordnance estimates amount to the sum of 1,463,449*l.*, but they include, for the Commissariat, a vote of 141,417*l.*, which is to be deducted, because that sum is expended by the Treasury, and is not in any other way involved in the Ordnance accounts. The money, therefore, that is wanted for the use of the Ordnance is 1,322,032*l.* And the analysis of the estimates, which he would read, would better show what this money was required for, than the complicated and greatly involved printed estimates of the Ordnance. The hon. Member accordingly read the following statement:—

1. For the pay and expenses of the whole of the Artillery and Engineer Forces, except the cost of their clothing, which is included in the vote for the general provision of stores, viz.:—		
Pay of artillery, engineers, &c. (including agency)	£369,632	
Extra pay and allowances to commanding officers, adjutants, &c.	1,773	
Pay of medical establishments	10,129	
Allowance to civil surgeons	728	
Medicines, wines, &c., for artillery hospitals	2,109	
Recruiting expenses	2,000	
Purchase of horses	3,340	
Sundry expenses, under the head of allowance for beer, hire of carriages, travelling and passage-money, allowance to messes of regiments, for wine, &c.	22,991	
		419,701
2. For repairs of fortifications, including all expenses of management, viz.:—		
Ordnance works and repairs	£66,641	
Extra pay to engineers for superintending them	12,337	
Pay of clerks of works, &c.	16,903	
		95,881
3. Barrack department, including all expenses of management, viz.:—		
Buildings and repairs of barrack (infantry, cavalry, and artillery)	£121,526	
Extra pay to engineers superintending them	12,337	
Pay of clerks of works, &c.	16,903	
Barrack masters' expenditure, supposed to be for fuel for troops generally	51,441	
Pay to barrack masters and barrack serjeants	40,445	
Barrack law expenses, travelling expenses, advertisements, &c.	2,380	
Rents in Great Britain, Ireland, and abroad	7,101	
Purchase of lands, &c.	5,000	
		259,546
4. Survey of counties		53,000
5. Miscellaneous expenses, viz.:—		
Bronzing arms	1,768	
Advertisements, travelling expenses, passage money, &c.	9,512	

Alterations of store-houses at Tower		£3,005	
General law expenses . .		2,250	
Postages		2,400	
Allowance to two draftsmen for plans, &c.		500	19,435
6. For the computed cost of all the stores that will be required for twelve months —viz.:			
Provision for the purchase of stores . .	Ordnance stores £60,000 Bedding 16, 00 Gt.coats 15, 00 Artillery clothing 19,780	110,780	
Packing and freight of stores .		4,000	114,780
7. For boards' salaries for general superintendence . .			9,000
8. Clerks' salaries for checking, deliveries of stores, and keeping and examining accounts—viz. :—			
Clerks' salaries—Pall-mall, Tower, and Dublin		58,096	
Clerks' allowance for rent, &c., and for coals and candles		1,567	
Clerk in Store Department at Woolwich . . .		8,181	
Clerks' allowance for making inventories . :		763	
Clerks' salaries at out stations	England £13,890 Ireland 2,152 Abroad 25,626	41,668	110,295
9. For superannuations, viz. :—			
Clerks' superannuations		62,939	
Military ditto . .		96,678	
10. For pay of labourers and artificers, viz.—			
At the Tower and Woolwich		28,237	
Home stations in England		23,100	
In Ireland and abroad .		24,694	
		76,031	
Crew of vessels employed in removing powder .		1,746	80,777
Total .			£1,322,032
Add Commissariat expenditure			141,417
Total .			£1,463,449

After having called the attention of the House to each of these heads of expenditure, the hon. Gentleman went on to contend, that all, with the exception perhaps of the charge for the survey of counties, upon which he had nothing to say, might, under proper management, be materially reduced. He complained especially of the charge for extra pay and allowances for commanding officers, adjutants, &c., in the Engineer and Artillery department, and of the extra pay to Engineers for superintending the repairs of fortifications. The charge for Ordnance works and repairs amounted to 66,641*l.*; the extra pay to Engineers, for superintending these works amounted to 12,337*l.*, being a charge of not less than 18½ per cent. upon the whole cost of the works. But the most prodigal expenditure of which he complained did not cease here, for in the next item he found a charge of not less than 16,903*l.* for the clerks of works, &c., being at the enormous rate of 25 per cent. on the whole cost of the works. Thus it would be seen that the expense of superintending, managing, and conducting the works and repairs going on in the Ordnance department amounted altogether to not less than 43 2-5ths per cent on the whole cost of those works and repairs. Of this he thought there was great reason to complain. In the barrack department, again, the extra pay to engineers and clerks of works amounted to 29,240*l.*, being at the rate of 24 per cent. on the whole cost of the works for the prosecution of which a vote of 121,526*l.* had been taken. Then there was a charge of 110,295*l.* for the salaries of clerks, who were merely employed to check the delivery of stores, and to keep and examine accounts. He had no hesitation in saying, that, under a proper system of management, the amount of this charge might be reduced by at least two-thirds. He, indeed, had always been of opinion that the store department of the Ordnance ought to be abolished, because he was satisfied that there were no stores necessary which could not much better be supplied, as they were wanted, by contract. On the whole, he regretted that the Government, having had a whole year to consider of the matter, had not carried their reductions further.

Sir *A. Leith Hay* said, it appeared to him that the view of the hon. Member for Middlesex was founded on calculations which he believed to be very incorrect, and if brought forward in practice would not be at all beneficial to the public service. The observations of the hon. Member respecting the Engineer corps were strikingly inconsistent. On the one hand, he complained they were parsimoniously and badly treated, and on the other of the amount of expenditure lavished on the department. Under all the circumstances of the country, the Ministers had brought forward estimates with the strictest regard to efficiency and economy. Disposed as he was to admit the good intentions and the zeal of the hon. Member for Middlesex, he was on the present occasion obliged to question both the judicious tendency and the correctness of his observations.

Colonel *Anson* questioned the propriety of the suggestion of the hon. Member for Middlesex for getting rid altogether of the accumulation of stores. He was happy, however, to find that one channel had been opened to that end in the outlet which Spain presented, and hoped that the hon. Member's support would be obtained to render the remainder more effective by the application of a small vote in furtherance of the adaptation of the percussion principle to the small arms at present in the stores.

Report brought up and agreed to.

HOUSE OF COMMONS,

Wednesday, April 13, 1836.

MINUTES.] Bills. Read a second time:—School Rooms; Land Tax Commissioners Names.

Petitions presented. By several MEMBERS, from various Places, for the Better Observance of the Sabbath.—By Mr. BAINES, from Merchants of Leeds and Halifax, for the Repeal of the Tax on Marine Insurances; and from Carlton, for the Revision of the Criminal Code.—By Sir E. KNATCHBULL, from the Eastern Division of Kent, in favour of the Tithes' Commutation Bill.—By Mr. T. ATTWOOD, from Birmingham, for the Repeal of the Duty on Newspapers.—By Mr. WILKS, from Weymouth, Melcombe Regis, and the Corporation of Lincoln, for the Abolition of Flogging in the Army and Navy.—By Captain PECHELL, from Brighton and Bognor, for the Repeal of the Window-tax.—By the ATTORNEY GENERAL, from the Provost, Magistrates, and Town Council of Edinburgh, that the Pace of the Northern Mail may be accelerated; and from Solicitors at Birmingham, that a Clause may be introduced into the Municipal Corporations Act, conferring a County Vote on all Persons having an Estate of sufficient value and duration without reference to any Vote enjoyed by himself or any other Person in respect to the said Property.

THE ATTORNEYS' TAX.] The *Attorney General*, seeing his right hon. Friend (the Chancellor of the Exchequer) in his place, would take that opportunity of drawing his attention to a petition which he held in his hand, from a society of solicitors in Edinburgh, complaining of being obliged to pay an annual tax of 10*l.* for being permitted to practice. He perfectly agreed with the petitioners, that it was a very great grievance that professors of the law should be called on to pay a tax which which was not required from any other of the learned professions. He could not conceive the justice of attorneys being obliged to pay a sum of 10*l.*, some of whom don't make 10*s.*, while barristers and others are altogether exempted. He doubted much whether the community derived any advantage from this tax, and he trusted the right hon. Gentleman would take the case of the petitioners into his serious consideration, and release them from the operation of this tax.

Sir *George Clerk* was glad to find that the case of the attorneys was brought under attention by hon. Members on the other side of the House, but particularly by the right hon. the Attorney General; and he hoped they would be successful in inducing his Majesty's Ministers to alter and remit the tax. He (Sir George Clerk) could not conceive why there should be any distinction between the attorneys in London and in the country. In London the solicitors pay 10*l.*, and in the country only 8*l.*, and they had the advantage of going to the Stamp-office, and receiving a liberal discount on stamps; while the Edinburgh attorney, though paying a like sum, had no such advantage afforded to him. He therefore trusted, that if the Chancellor of the Exchequer was not disposed to remit this tax, he would, at least, place those solicitors in the county and city of Edinburgh on the same footing with the English solicitors and those practising in the Four Courts, Dublin.

The *Chancellor of the Exchequer* said, that the time for discussing the subject would be when the Stamp Act was under the consideration of the House. However, he had no hesitation in saying, that there were taxes that pressed much more strongly on the attention of his Majesty's Government at the present moment than that complained of in the petition presented by his right hon. Friend. Until a petition on the subject was sent forward by the clients of the attorneys, he thought any applications would have but little weight; as it was out of their pockets that the tax ultimately came. However, the difference between the London and country practitioners was worthy of consideration, and it should receive attention when the subject of the Stamp Acts came to be reconsidered. It would, however, surprise hon. Members if they were to know how the Government were assailed by conflicting applications on this head. The young attorneys were desirous for an annual tax, and a reduction of the tax on coming into the profession; and the old members were desirous for a high tax on coming into the profession. If the tax were repealed, he had no doubt but that it would be putting so much money into the pockets of the solicitors.

Petition to lie on the Table.

TEA DUTIES.] In answer to a question from Mr. Hastie,

The *Chancellor of the Exchequer* said, that he was anxious to put the House and the public in possession of the facts relating to recent *ex-parte* applications on the subject of the Tea Duties, in order to avoid the inconvenience that might otherwise arise. In the Bill passed last year, the graduated scale of duties upon tea was put an end to after the 1st of July of the present year: the result would be, that lower-priced tea, such as Bohea, would be introduced into consumption after the 1st of July, subject to a duty of 2*s.* 1*d.* per lb., instead of a duty of 1*s.* 6*d.* per lb. He believed, that the quantity of Bohea in this country had greatly accumulated, and infinitely exceeded the amount originally calculated upon. It was now ten millions of pounds, and it was probable that there would be ten millions of pounds more before the 1st of July, all which, under the existing law, must either be entered for home-consumption prior to the 1st of July, or bonded and taken out afterwards, paying a duty of 2*s.* 1*d.* per lb. The applications to which he referred had been made to extend the system of bonding beyond that period; indeed, to extend it indefinitely. Taking the annual consumption of Bohea at eight millions of pounds, if it were so extended, it would continue the distinctive duty for two years and a half. Strong representations had been made in favour of this course; but hitherto Government had made no reply, and was most anxious that the attention of the public should be called to the matter, in order that those who might be interested, and took a different view of it, might give full notice of the application that had been made. He should therefore move in the course of the evening for copies of the memorials presented, and he should then be enabled before the 1st of July to give a definite answer to them. At present the communication had been made, but no engagement of any kind had been entered into by Government with respect to the bonding of tea.

Subject dropped.

COMMUTATION OF TITHES (ENGLAND).] Lord *John Russell*, on moving the order of the day for the House to resolve itself into a Committee upon the Tithes' Commutation Bill, would take the opportunity of explaining the principal alterations which he intended to propose, without going into matters of detail. The Bill originally proceeded upon the principle that individuals were to make voluntary arrangements which might afterwards be combined in a general arrangement, applicable to each parish. In a similar way, compulsory arrangements were to be made, applicable to the particular property of individuals, and afterwards, in like manner, to be applied to a whole parish. Owing to the difficulties pointed out, especially by his hon. Friend, the Member for Cumberland, he intended to introduce a number of clauses, to proceed in a different course; that is to say, that when a certain proportion of the landowners or tithe-payers, say two-thirds, proposed a voluntary arrangement, it should be binding upon the parish; and if it do not take place previous to the 1st of October, 1837, the period he before mentioned, then the Commissioners, if they thought fit, according to a suggestion from an hon. and learned Member opposite, might order a tithe commutation for the whole parish. In either case, the landowners would appoint two valuers; one by a majority in value, and the other by a majority in number. These valuers would applot the whole sum to the particular estates and farms in the parish; and when that applotment was made, the proceeding would be carried on according to the principle and details he formerly explained. He had paid great attention to the Bill brought in by the right hon. Baronet (Sir Robert Peel) for voluntary commutation, and had adopted as many of its details as would be an improvement of his own measure; and as there are some alterations required in the first clauses, which had been agreed to, it would be necessary to go through them as well as the rest of the Bill, in order that the whole might be consistently amended. Within a day or two afterwards the Bill would be reprinted, and delivered to hon. Members. He moved the order of the day for the House to resolve itself into a Committee on the Tithe Commutation Bill.

Mr. *Hodges* gave notice, that, in the event of the Bill not passing in the present

Session, he should move for leave to bring in a short Bill to render null and void all notices served during the present year for setting out tithes in kind.

Major *Curteis* said, that he knew it to be a fact, that in many parishes in his neighbourhood, clergymen had given notice to their parishioners to set out tithes in kind.

Sir *Robert Peel* begged to ask the noble Lord opposite, whether he proposed to make any alteration in the sums he assumed as the *maximum* and *minimum* of future tithe ratings? The latter had been fixed at sixty per cent on the Commissioners' valuation of the tithe, and the former at seventy-five. He wished also to know, whether the mode of applotment proposed would apply to the compulsory commutation which was to be effected in case of the failure of the voluntary commutation?

Lord *John Russell* did not intend to make any alteration in the limits of sixty and seventy-five per cent. Undoubtedly there might be cases in which it would be necessary to make exceptions, but he was on the whole satisfied with those limits, though he did not mean to say that, in the course of the discussion, satisfactory reasons might not be produced for altering the valuation under particular circumstances. With respect to the second question put by the right hon. Gentleman, he proposed that, in the case of compulsory commutation, the mode of applotting should be the same as in the case of voluntary commutation, but if the parties did not agree within a certain time, the Commissioners should take steps to have an applotment made in the parish.

Mr. *Hume* having been one of those who approved of the Bill introduced by the noble Lord, and having expressed himself favourable to it, was bound to state, that, having maturely considered every portion of the Bill, and having received many communications from persons better qualified than himself to judge of its operation, he thought, if carried into effect, it would be extremely burdensome to the landed property of the country, because he considered that the value of tithes during the last fourteen or fifteen years had been artificially kept up by the state of the Corn-laws. Why then fix on such a standard at the present moment, when the Corn-laws existed, but when he thought they could not continue longer? He believed, if they adopted the valuation of the noble Lord, let his limits be what they might, that they would not arrive at the true value of the produce of the land, one-tenth of which was allotted by law and usage for the support of the clergy. He feared, therefore, that the noble Lord would not be able satisfactorily to accommodate the different clauses of the Bill, unless he should adopt the principle of rent—unless a portion of the rent were now to be fixed on once for all as an equivalent for tithes. No further valuation would thus be necessary, and he was convinced that this alone would put an end to the continual dissensions now excited. The time, he said it with regret, had not yet arrived, in the present artificial state of the value of tithe, when proper and certain limits could be appointed. He had felt himself bound in candour to state to the noble Lord the change which had taken place in his opinions, and the reasons which had produced it.

Mr. *Pemberton* inquired, whether the compulsory commutation was to be left to the discretion of the Commissioners, or to be fixed in all cases?

Lord *John Russell* did not wish at all to enter into what had fallen from the hon. Member for Middlesex. The hon. Gentleman thought that no compulsory commutation should take place until the Corn-laws were repealed. That opinion was quite different from his views. He thought it was his duty, and the duty of Government, to propose to the House that plan of commutation which they thought practically fair and just to all parties, and leave it to the House to decide whether or not it should be adopted. He should study to amend the Bill as much as he could, but he meant to put that question fairly to the House.

Sir *Robert Peel* wished to say a word generally upon the subject of this very important question. The noble Lord now proposed to make several very important alterations in the Bill, and he had a very strong apprehension that another year would pass away after another ineffectual attempt to make an arrangement for the commutation of tithes. Every attempt made, which proved to be ineffectual, rather impeded the chances of a future and satisfactory settlement. If the objection advanced against this Bill by the hon. Member for Middlesex were a valid one, it would be entirely fatal to any plan of commutation. If the House were to abolish the existing Corn-laws, there would be no security that a protecting duty should not at some future time be re-established, or that some other equally obnoxious system should not be substituted in their room. It was impossible to conceal from themselves that this was the third, and if the noble Lord made any important alterations in it, would be the fourth proposition made upon the subject of commutation. He blamed no one, for the subject was surrounded with difficulties. But he did think they had attempted to make a settlement of the question without that preliminary information which he believed to be essential to success. Though the law with respect to tithes was the same all over the country, yet, in point of fact, its application was so modified by different customs, that it was almost tantamount, practically, to a different law, and the difficulty to be overcome, was to apply one law to the whole country in respect of which usages totally different prevailed. In every other subject which the House had adjusted satisfactorily, they had preceded the attempt to legislate by minute local inquiry, but no inquiry was proposed with respect to tithes. A different practice prevailed in the North of England, and another in many parts of the centre, a different practice in Kent, and a fourth in Devonshire. It would be found exceedingly difficult to reconcile all parties in these various districts of the country, habituated to such various usages, to any one law. He should, therefore, make a proposition, and into it no party feeling should enter. He would throw it out for the suggestion of Government, in case they should find it difficult to adhere to the plan they had laid down. He did not think it would be satisfactory to Government to say, we have brought in the measure, and by so doing have acquitted ourselves of all obligation; the object ought to be, to effect a satisfactory and permanent commutation. If it should be found that they were not prepared to apply the principle of compulsion, he made this proposal, that the Commissioners under the noble Lord's Bill should be appointed, not only to encourage a voluntary commutation, but to procure that information he believed to be indispensable to the success of a compulsory commutation. Let the Commissioners, whom the noble Lord intended to employ to invite parties in each parish to come to an amicable settlement of the question, be also Commissioners of inquiry with respect to the different practices prevailing in different parts of the country. Suppose that voluntary commutation failed—then the objection, now urged with some force against his Bill, as making no provision for compulsion, would not apply, since, in attempting to carry into effect the voluntary principle, they would be making those inquiries which would enable them hereafter to digest a well-considered system of compulsory commutation. Let the Commissioners inquire in the different districts of the country as to the means which would be likely consistently to reconcile conflicting usages. If the voluntary principle succeeded, every one would be satisfied. He apprehended it would not; but by the course he advised them to pursue, in attempting to apply the voluntary principle, they would be gradually acquiring that local information, with respect to different usages, which they must necessarily possess before they could proceed to apply a compulsory commutation. With respect to the Poor-law Bill, they had found it necessary to inquire before they proceeded to legislate, and they had been successful. If ever there was a question on which preliminary inquiry was needed, and to adjust which local information was required, it was the present. The difficulty with respect to compulsory commutation was this—it was not to come into operation for two years, and he was afraid that the delay might reconcile many hon. Gentlemen to the Bill who would not be satisfied with it if it were to take effect at the end of this Session. They might imagine that if the plan were found to be impracticable, there would be plenty of time to alter the law. But it should be observed, that this Bill held out an encouragement to voluntary commutation, for it declared, that if a voluntary arrangement were not entered into, the parties would be compelled to come to an agreement. But suppose, at the end of two years, compulsory commutation could not be carried into effect, and in the interval many persons had entered into voluntary commutations, what was to be done with them? They would have voluntarily compounded on the faith of the compulsory system, and, perhaps, but for that faith, they never would have given their consent. If Ministers were satisfied of the fitness of their compulsory system, why did they not apply it at the end of the Session instead of at the end of two years? Postponement would aggravate all the difficulties. Whether the arrangement were made this year or next was a matter of much less importance than that, when made, it should be effectual. Some time must elapse before due information could be acquired, and when acquired the House could proceed maturely to consider the subject with the aid of the superintending board sitting in London. In the mean time facilities might be given to voluntary commutation; but should it fail, the objection urged to his own Bill could not apply, because the same Commissioners, being Commissioners of local inquiry, would furnish the information necessary to enable the House to determine upon a principle that was just; the public mind would be reconciled, and a measure digested that would give satisfaction to all parties.

Lord *John Russell* thought it was necessary he should notice what had just fallen from the right hon. Baronet. He did not expect, in stating the general substance of the alterations he meant to propose, that the right hon. Gentleman would now have undertaken to predict the failure of this Bill, and recommend measures to be adopted in consequence of that predicted failure. He considered it of very great importance that the House and the Parliament should come to a decision on this subject in the present Session. If anything were required to strengthen his conviction, he should find it in the notice given by the hon. Member for Kent, and supported by the hon. Member for Sussex, who declared, that he himself would otherwise make the same proposition—namely, to deprive those persons having a right to the tenth of the produce from claiming during the present year that their tithe should be set out in kind. Such a notice showed how important it was, that Parliament should come to some decision upon the subject. He must remind the House that last year, after a great deal of information had been collected at various times by his noble Friend, Lord Althorp, he stated, that as there was much difference in various parts of the country, he thought it advisable that a Select Committee of the House should sit, in which Members from different parts of the country would have an opportunity of meeting, and discussing, and hearing evidence, on the subject. To this the right hon. Baronet objected, and stated, with a force he (Lord J. Russell) had been unable to resist, that the question ought not to be referred to a Committee, but that it was the bounden duty of his Majesty's Government to propose a measure on the subject. The Government had considered what was the best measure to propose. They had brought forward a proposition which he believed was likely to accomplish the end; and yet the right hon. Baronet now insisted that it would be better to delay another year, for the sake of collecting information. He (Lord J. Russell) was not prepared to adopt that course; and however unsatisfactory it might be to the right hon. Baronet, he hoped it would not be unsatisfactory to the House if he persevered with the Bill he had introduced. It was the measure which Government was pledged to support; and again he said, that if the House rejected it, he would not say that it would be a wrong decision, but the result would be that Ministers had endeavoured to settle the question, and that the House had refused to settle it according to the plan proposed by the Government.

Order of the day read on the question that the Speaker leave the Chair.

Sir *Robert Peel* wished to say, in explanation, that his recommendation was founded on the assumption that the Bill had not met with the general concurrence of the House. It appeared to him from his observation of the opinions which had been expressed on the Ministerial as well as on the other side of the House, that the noble Lord's Bill was not likely to meet with general concurrence; and in the event of that being the case, he thought they might remedy the inconvenience of further delay by adopting the course which he had suggested. It could not then be said, that he had shown a disposition to throw any obstructions in the way of the Bill; on the contrary, he wished the noble Lord to have every opportunity of rendering the measure as perfect as possible. He certainly was of opinion, that it was better for the Government to come forward with a plan than to refer the question to a Select Committee, and thus have to determine as to the adoption of the Report; but when he saw that in three successive years three plans had been brought forward, all of which were unfavourably received, he thought that was a case in which inquiry might be instituted with particular advantage.

House resolved itself into a Committee, *pro forma*, and resumed.

Military Flogging.] Lord Howick moved the order of the day for the House to go into Committee on the Mutiny Bill.

On the question that the Speaker do leave the Chair,

Major *Fancourt* rose to move an amendment. He was anxious to be favoured with the indulgence of the House, while submitting to its consideration the grounds on which he felt it his duty to bring forward a motion for the entire abolition of flogging in the army. It was his wish to have submitted such a motion last Session, but the appointment of the Commissioners, who had recently laid their report on the Table of the House, rendered it, as he thought, inexpedient to press the question to a division. It appeared to him respectful to his Majesty who had appointed, as also to the members who composed, that Commission, to wait the result of their labours. To this course he was further advised by some of the most sincere advocates of the abolition of flogging, and though he had been subjected to misrepresentations out of doors for the course he had thus pursued, he felt assured that it was not only a proper course, but the one best calculated for the attainment of his object. Had he pressed the question to a division last year, should he not have been told that the Commission, having been appointed, should be allowed to effect its object—that they could only legislate on the question after full inquiry? He was satisfied this language would have been held, and thus it was very probable that he should have been deprived of the support of many hon. Gentlemen who, with the Report in their hands, were now in a situation to judge of the question in all its bearings; and he hoped that they should thus come to a definitive settlement of the long-agitated question. This was the only object he ever had in view when soliciting the attention of Parliament to this important matter. The inexpediency of periodically agitating the public mind on a question of this kind must have been felt by all; and he appealed to those Gentlemen, who honoured him with their attention on a former occasion, as to whether he did not then state his chief object to be the putting an end to such agitation by a definitive expression of the views of Parliament? He had stated, and he must repeat, that this was a national, not a Ministerial, question. That any Government would secure to itself a large portion of no unworthy popularity by the abolition of the punishment he sincerely felt, but that was a point which he did not urge on a former occasion, and he should not urge it then. It was to the wisdom, the justice, ay, and to the firmness of his Majesty's Government, that he appealed, when soliciting their attention to the settlement of a painful and long-agitated question—a question, be it observed, strongly appealing to the popular sympathies, and therefore constantly resorted to out of doors by any one wishful to inflame the public mind. If the noble Lord and his Colleagues, from their undoubted experience in public affairs, saw cause to withhold their consent from the present motion, he must regret that such influence and abilities were opposed to him; but believing the course he advocated to be as just and prudent as it was humane, he should feel it his duty to divide the House on his motion. He would not detain them by any lengthened recapitulation of the arguments which he adduced when last he brought the question under the consideration of the House. They might be very briefly stated. The right hon. Gentleman, who then held the office of Secretary at War, directed the attention of the House to a circular letter from the Horse Guards, in which the punishment of flogging was restricted to certain offences therein specified, and in which it was further suggested to officers of the army to restrain the practice as much as it was possible to do with safety to the discipline of the service. He then told the right hon. Gentleman that this order left the evil untouched, and that an officer disposed to severity would find nothing in that order to restrain him. It was against the principle of this mode of punishment that he had appealed to the House. He had urged that flogging had rarely, if ever, been known to reclaim an offender, that it inspired among his comrades sympathy with the criminal rather than reprobation of his crime, and that if the experiment of its discontinuance was ever to be tried, it surely might be so at a period of profound peace like the present. The question of the substitute naturally presented itself. He had stated to the House, and he must repeat the statement, that solitary confinement would furnish an efficient substitute. The only objections he had ever heard made to this mode of punishment were, first, that the soldiers would be lost to the service during the period of their confinement; and, secondly, that the building of cells would be attended with very great expense to the country. With respect to the first objection, he would wish to ask, whether the services of the soldier were not necessarily forfeited, when, under the present system, he was removed from the place of punishment to the hospital, there to await his recovery from the torture to which he had been subjected? Recent occurrences rendered it doubtful (to say the least) whether even the life of the delinquent was not perilled by corporal punishment. At all events, the temporary loss of service would, he thought, be as great under the present system, as it could be under that proposed; while the general efficiency of the soldier would be left unimpaired after solitary confinement. As for the expense, he need not, for a moment, trouble the House; he was confident that no hon. Member would treat this as a question of economy. The House could always afford to be just. It did so in a late instance in our colonial policy; it would, he felt, be no less generous, when legislating on a subject affecting the interests of the army and the feelings of the whole nation. If any addition must be made to the burthens of the country for such a purpose, he was confident that such addition would be cheerfully borne. In cases where the extreme punishment failed of its effect, and the offender continued incorrigible, he contended that, for the honour of the army, such offender should be ignominiously expelled. He did not think the cases would be very numerous. But that was not the precise question: the precise question was, whether a man irreclaimable by solitary confinement, could be deterred from crime by the lash? No man, he would imagine, would say this. Then the instances of such hardened offenders did not justify the practice of flogging; it could not restrain them, and he contended, that expulsion, with ignominy, from the army would, under any circumstances, be the best mode of dealing with that class of offenders. But when so sentenced, care should be taken to accompany the expulsion with hard labour for a term of years, as suggested by Sir John Woodford, in the evidence he had given before the Commissioners of Military Inquiry. With respect to the necessity of retaining the punishment on active service, he thought that, even admitting that necessity, it formed no ground for refusing to abolish it in time of peace. Should the abolition be attended by the disadvantages apprehended by some, it would be for Parliament to provide for any emergency that might arise. For his own part, he felt, that on active service flogging was a punishment peculiarly objectionable, by reason of the state to which it reduced the soldier; and he would add, that any partial abolition of the punishment must of necessity prove abortive. He quite agreed with the gallant officers examined before the Commissioners, that nothing could be more inconsistent than the exemption of the troops on home service from this mode of punishment; that is to say, the Life Guards, the Blues, the three regiments of Foot Guards, a portion of the army which were never ordered on colonial service, while the remainder, in addition to any other inconveniencies, should remain subject to so disgraceful a distinction. And here he might be permitted to direct attention to a step taken by a noble Lord, now a Member of that House, but a short time since holding the high offices of Governor-General and Commander-in-Chief in the East Indies. That noble Lord, by an order, dated Fort William, February 24, 1835, abolished the practice of flogging in the native army. Now, he should wish to ask any hon. Gentleman, whether there was anything in the character, habits, or disposition, of our fellow-countrymen to render them unworthy the consideration which the noble Lord felt justified in extending to the natives of India. He had omitted to notice an objection which had, he believed, been urged against adopting expulsion from the army as the extreme punishment, that it would hold out a temptation to those who were anxious to be relieved from the restraints of the service. He did not think the objection well founded. A man must have passed through a long career of delinquency and of punishment before expulsion would be resorted to; and it was scarcely probable that a man would propose to himself an object to be attained by stages as tedious and vexatious as disgraceful. But he ventured to say, that once abolish the practice of flogging, and they would find very few, if any, among the soldiers anxious to leave the service; for, with that single drawback, the army was a profession presenting many enviable considerations to those engaged in it. He would further suggest that, while a degrading punishment should be abolished, they might advantageously establish a scale of rewards for distinguished service or exemplary conduct. This was a suggestion which he had the honour to throw out when under examination before the Military Commission, and he thought it right to mention it for the consideration of the House, because he believed it would, if acted on, inevitably tend to the elevation of the position and character of the soldier, which, after all, in any view of the subject, should be the chief consideration. And this important part of the question he could wish to submit to the advocacy of his right hon. and gallant Friend, the Member for Launceston (Sir H. Hardinge). Though he feared he should not have the benefit of his gallant Friend's support on the motion he was about to submit to the House, still he thought it just, and not unsuited to the subject in debate, to state, that no hon. Member of that House, no officer, whether in that House or out of it, had given more sincere and advantageous attention to the interests of the British soldier than his right hon. and gallant Friend. He believed he was correct, in representing his right hon. and gallant friend as favourable to a well-considered system of rewards, honorary distinctions, and other advantages, for good conduct on the part of the soldier. He knew that on the subject of discharges and pensions his right hon. Friend entertained opinions which, if acted on, would inevitably tend to the improvement and elevation of the service; and he trusted that, should the House decide on the discontinuance of corporal punishment, his right hon. Friend would be induced to undertake a question for which his great experience, military and official, qualified him, and which he felt confident he would carry to a successful issue. Before he sat down he might, perhaps, be permitted to make an observation on the mode in which he had formerly, as well as now, felt it right to treat the question. On all occasions he had studiously avoided those exciting, and minute, but not very profitable, details of torture, which had been so often paraded before the public mind. In so doing, he was actuated, not by any insensibility to the effect which they naturally produced, but by a deep conviction, that in a deliberative assembly, it became them to come to a consideration of all topics, but more especially of one so painful in its nature, with minds undisturbed by passion. Unless the punishment of flogging in the army were discontinued by reflecting and right-minded men, he, for one, should see no cause to rejoice in its discontinuance. It was from no false sympathy, but because he believed that it was not only inadequate, but diametrically opposed to its declared objects, because he felt that it was not only a revolting but a morally indurating cruelty, that he called for its abolition; and he trusted that all those who shared that conviction with him would, by their vote that night, join in removing a long-standing cause of irritation from the public mind. He was aware that many hon. and gallant Gentlemen differed with him on that question. He was fully sensible of the attention due to their opinions, many of them having achieved distinguished rank, and all of them possessing a natural and ardent interest in a profession second to none in its claims on the respect, and he would say on the affections, of the people. But that question was one on which every dispassionate man was competent to form a judgment. It was one on which he firmly believed the public mind was made up. Such was the state in which he found it when first he had the honour of a seat in that House. Unfortunate circumstances had since occurred to confirm the general conviction of the cruelty and practical inefficiency of the punishment, and he trusted, that by the result of that night's debate, they would at once put an end to a system which he, for one, felt it impossible much longer to maintain. The hon. and gallant Gentleman concluded by moving as an Amendment on the motion, that the Speaker do leave the Chair, the following Resolution:—" That it is the opinion of this House that the punishment of flogging should be entirely abolished in the British Army."

Captain *Boldero* rose to second the motion, and was understood to say, that although he had had the honour of being a commissioned officer for twenty-two years, he would not have taken so prominent a part in the discussion upon military flogging were it not that the evidence contained in the report of the Commissioners clearly proved the possibility of abolishing that mode of punishment in the army without injury or disadvantage to the service. As a soldier, then, he felt it his duty to second the motion which had been proposed by the hon. and gallant Member, and he would say that everything that ingenuity coupled with humanity could devise should be resorted to for the purpose of effecting the abolition of such a system. The opinions which he was anxious to express on the subject he found fully to accord with the general tenour of the report. It appeared, he was glad to say, that the military code had been from time to time relaxed, and that the severity of the discipline in the army had gradually diminished. With regard to corporal punishment, it was known to have existed in the British army from the earliest period; but he was sure that no one would be found to advance the antiquity of the practice as an argument for its continuance. In page 10 of the Report, it was stated by the Commissioners,

"The antiquity of any practice, however, cannot be set up as a defence of it, if there are strong and cogent reasons for its being discontinued; and in nothing is this more true than in the question of the efficiency of any punishment, which must in a great measure depend upon the state of society, and the feelings of the people among whom it is to be used. Upon this principle, much of the severity of the civil criminal code of this country has been relaxed of late years; and upon it, also, have been the restrictions now in force in the army, as to the frequency and extent of corporal punishment."

But if the practice was ancient it was iniquitous, and he would refer to the evidence contained in the Report to show that it ought to be abolished. Previously to the issuing of the circular from the Horse Guards, limiting corporal punishment to certain offences, our military code was frightfully severe; there was scarcely an offence committed by a soldier which did not subject him to corporal punishment, at the discretion of the court-martial before which he was tried. In page 143 he found the following evidence given by Colonel Stephen Galway Adye, who had been in the service for forty-two years, and had served in all parts of the globe. He was asked—

"In the artillery, after a man has been punished more than once, and is generally of a very bad character, you are in the habit of getting rid of him by what you call drumming out?—Yes, there have been instances; and I think that if it was extended it would be very good, particularly as to cases of habitual drunkenness, when all other modes of punishment have been found of no avail. It becomes a case of notoriety among the men, and every body hears and talks about it.

"It enables you to get rid of men who are a hinderance to the discipline of the regiment?—Yes; they are often very reckless people, and pride themselves in getting hold of young men and instructing them in all kinds of vice.

"Their presence is a great annoyance?—Yes; notwithstanding the expense of getting another man, the benefit to the service is of much greater consequence than the expense incurred.

"Have you found by experience that it has induced other men to misconduct themselves, that they may get their discharge?—That may happen in some particular cases, but I think that it is very rare. He must be a very reckless wretch who would do so, and would be no loss to the service. The men generally know that they are well off, and would never resort to this mode of obtaining their discharge."

The evidence of another officer, in page 198, corroborated this testimony. One of the questions asked was—

"Have you been enabled to carry on the discipline with the dépôt without recourse to corporal punishment?—Yes, I have great facilities for so doing. There is a gaol within two hundred yards of the barracks, and I consider that the immediate marching off an offender to the gaol, in the presence of his comrades, has a much greater effect than if such an interval were to elapse between the sentence and the punishment as commonly occurs."

Some important evidence to this point was given by Sir Willoughby Gordon, who was as great an authority as could be quoted. It was as follows:—

"When a French army is in the field, and a soldier commits the offence of insubordination, or some of the minor offences which occur, is he sent to the rear and not suffered to serve, or sent to prison?—I cannot with any accuracy answer to the details of the practice in the French army, but from everything which I saw of them, they managed their discipline with great effect.

"Are there not fortresses in every part of France to which soldiers who have committed offences may be sent and employed on public works?—A great number of them.

"So that the punishment of confinement can be carried into effect at a very short notice, and with great facility?—Yes, it must be in the cognizance of every one, on all parts of their extensive frontier.

"A soldier thus employed does not lose his military character during confinement as he would in England, where he is sent to a civil gaol?—That would depend upon the manner of the confinement. If an English soldier is sent to a civil gaol, there is this hardship, that there are many military offences of a very serious character, which in civil life are no offences at all—I mean no immoral offence. If you send a man convicted of a military offence to gaol, and associate him with felons, you do him a very great injustice.

"Does not a prisoner sent to a fortress in France still maintain his military character?—

He may be employed as a military man, or employed upon the works, working with a spade and a mattock.

"But he still works under military control, and his military character is less impaired?—Yes, it is a military prison.

"Is not there a punishment in the French army called 'Degradation Militaire?'"—Yes.

"What is the ceremony—what effect does it appear to have upon the soldier?—The ceremony is this: that the regiment in which the man is is drawn out; the man is stripped of his uniform, and has the prison dress put upon him, and he is paraded in front of his regiment in a most humiliating manner; and he is then sent to the prison or the galleys, according to his sentence. It certainly does make a very great impression upon the mind of every soldier who witnesses it."

He would next refer to the evidence of the gallant and distinguished Member below him, and the passages he should quote would be found most conclusive with respect to the possibility and the practicability to abolish flogging. The hon. and gallant Gentleman said—

"Having resided, in 1817, for nearly three years in garrison with the Prussian army of occupation in France, my attention was naturally drawn to a military system so different from our own; I was struck with one part of their system, that of having two classes of soldiers, in the first of which no soldier is liable to corporal punishment, unless previously degraded into the second class, when he is liable to the cane and every species of punishment.

"The soldier can only be degraded into the second class by the sentence of a court martial, approved by the general officer, and confirmed by the King. The class of crimes for which degradation can be awarded are strictly laid down, such as desertion, mutiny, striking a non-commissioned officer, gross frauds, thefts equal to felony, burglaries, &c.

"The national cockade is taken from him, and he wears a grey cockade as the badge of degradation. In order that the degraded man may be excited to amendment, after one or two years according to the term in the sentence, a Court of Inquiry investigate his conduct, and if the result be favourable, he is recommended to be restored to the first class; the King, or the War Minister, admonishes the culprit in public orders, and he is restored to the first class.

"The practical effect of this system was certainly very extraordinary: during two years, in a garrison of 1,500 men, there were never more than three degraded men, one of whom shot himself the morning the King reviewed the regiment.

"In the whole of the Prussian army of occupation, of 16,000, men, the numbers degraded did not exceed twenty men at one time.

"The circumstances under which this remarkable system was practically carried into effect were those of an army occupying cantonments in an enemy's country, the French and Prussians having at that time a strong hatred of each other. The troops had regular supplies of provisions, regular pay, good barracks, and regular peace duties to perform, and nothing could exceed the order and discipline of the whole corps."

That was the important evidence of the hon. and gallant Member, and if that did not prove that flogging might be dispensed with here, for it actually was dispensed with in the Prussian army, he was at a loss to know what would be accepted as a proof. But it was argued, that the men did not like the system proposed on account of the additional duty placed on them. On this point he would quote the opinion of the Adjutant-General. Sir James Macdonald in page 4 was asked,

"Is there any feeling upon the part of the other soldiers of a regiment of the hardships upon them in consequence of the confinement of an offender in their regiment in the civil prisons for a length of time?—I cannot say that I ever heard that brought forward as a source of grievance."

In page 50 he found the following evidence delivered by Lieutenant-Colonel John Townsend, an officer who had been thirty years in the service, and had never been absent from his regiment:—

"Have you ever known complaints made by the men of the additional duty imposed upon them in consequence of the solitary confinement of any of their comrades?—No, I never have.

"Who takes charge of the horses of the men when they are under confinement?—They are taken in charge by the rollster.

"Has that additional duty imposed upon them ever led to any complaints?—No, I never heard of any. A man who is confined never pays anything for his duty being done.

"Have you found in towns where you have been quartered, that there is a strong feeling on the part of the public against the corporal punishment of soldiers?—There is a very strong feeling against it. In Gloucester we were all in billets, and I was obliged to take the men out four miles. The Mayor interceded, and I forgave the man, and he has turned out a remarkably good soldier ever since, which previously he was not.

"Have you met with other instances of the existence of that feeling you have referred to?—Only at Gloucester; that is the only place where I had an opportunity of learning it."

Now if that man who had been forgiven had been punished by the stripe, in all probability he would have turned out a bad soldier. He admitted that there was an increase in the number of Courts-martial, but that was in consequence of the new system, taking away the discretionary power which was vested in the officers. If a man committed a crime he must be tried. The great crime in the army was drunkenness; that was the root of all the vice which existed, and they never would suppress it by flogging. This was his opinion, founded on the evidence contained in the Report. To get rid of drunkenness, and the consequent demoralization of the army, the system must be changed. Not only must the military code, as regarded punishment, be altered, but a system of reward for sobriety and good conduct must be contrived. In page 26, Sir Octavius Carey, speaking of the degradation of flogging, says—

"In my opinion solitary confinement, or flogging, comes to pretty much the same thing.

"Do you think the disgrace attendant upon the punishment has no effect?—None whatever; I am quite certain of that. As to the fine feeling of the soldier who is punished, it does not exist.

"Then what is the effect on the man himself? is he degraded in the eyes of his comrades?—Not in the least; it would depend, perhaps, upon the nature of the crime he had committed. It is vain to suppose he is degraded by punishment for crimes such as soldiers generally commit. I do not think he is degraded in the least.

"Do you not think that well-behaved soldiers, who never have been tried, are held in higher estimation than those who have been tried?—Yes, decidedly; but I do not think that an inference can be drawn from that, that a soldier is disgraced among his comrades by being punished. I have known soldiers who have been punished held in very high estimation among their comrades.

"That is not one of your reasons for wishing to get rid of the punishment?—No; I do not believe in that at all. My principal reason for wishing to get rid of the punishment is, that as long as it remains upon the Statutes, and forms a part of the military code, it must be inflicted; and that we should do better without it.

"If it does not degrade the individual, it must act as a considerable example?—I do not think it does. We can only reason from analogy. The best argument is, that you have been flogging in the army ever since the army has existed; and the more you flogged the more you have to flog.

"It has been restricted?—Yes; and the more it was restricted, the less necessity there was for inflicting it.

"Would not that rather prove, that the constant infliction of corporal punishment did exercise a brutalizing effect upon the men?—That has been always my opinion. It renders them indifferent to the punishment. Generally speaking, those who are punished are men of bad character, and previously depraved."

That was the evidence of Sir Octavius Carey, who was very strongly opposed to the continuance of the practice of flogging, and it went on to state that he had made an endeavour to preserve discipline without capital punishment, and he had succeeded. This one fact was worth a thousand opinions. Sir Octavius Carey was asked the question —"But the men knew you had the power to inflict corporal punishment?" to which he replied, "Yes; but I had rather that they had not known it." Colonel Evans also had commanded in many regiments, in which not a stripe had been inflicted for two or three years. Several officers had been trying the experiment of imprisonment also, but it had not yet had full effect. Under the present system, the men who were subjected to imprisonment were contaminated by it; they came out of gaol, in many instances, infinitely worse than they went in. If proper places of imprisonment were provided, instead of the ordinary gaols, he was certain that the system would work well. Again, the selling of necessaries was a crime very common in the army; the remedy should be to punish, as for a very heavy crime, the individual who purchased them. Let the punishment be of a severe nature; but let the Magistrate at once impose a penalty on the receiver as well as the seller, and he thought that it would have the effect of checking that crime now so common in the army. The existing want of cells, also, was a subject which required consideration. There existed at Chatham cells which might be rendered available as receptacles for those condemned to imprisonment in London, Dover, Maidstone, Woolwich, and Hounslow. In other parts of England, Portsmouth and Plymouth for instance, no great expense would be necessary for this purpose; in Ireland there certainly would be a necessity of incurring some. If the House that night decided that the continuance of flogging was not necessary, one consequence must follow, they must intrust to every commanding officer in his Majesty's service the power of discharging—with what limits he need not define. Flogging at that moment was, in his opinion, virtually abolished. The order issued by the noble Lord, the Member for Glasgow, for the entire abolition of corporal punishments among the native troops in India some months ago—that order being once issued and enforced, and no means having been taken to counteract it, must be taken to have upset the system. They were told, in justification of this, that the Sepoys were a better set of men than European soldiers; but he had found, upon inquiry, that during the last year the number of stripes which had been awarded in the native army to these good men, among whom corporal punishment was now relinquished, was 293,615. The average number of lashes inflicted in each regiment on the Sepoys of the native army of Bombay during the five years, 1829 to 1833, was 7,657. How was it that this quantity of corporal punishment had been inflicted, if that class of men consisted of such upright and steady characters? It was plain, however, that having done away with the system in reference to one portion of the army, they must now extend the abolition to the whole of it. He would not detain the House further. He would appeal to his Majesty's Government, whether the evidence which they had previously before them, expressed in the most decided terms in favour of the position that flogging ought to be abolished, had not been strengthened ten-fold by the volume from which he had been reading? He put it to them whether, if they persisted in continuing corporal punishment, they would not render themselves liable to the charge of having liberty on their tongues and tyranny in their hearts? He appealed to the House and to every man in whose mind a doubt existed—not whether the punishment of flogging ought to be abolished (because every man who heard him must have as honest, as anxious, and as sincere a desire as he himself had to see the total abolition, though some were afraid that the securities offered by those who wished to have it immediately brought about would not prove sufficient)—he appealed to those hon. Members in whose minds a doubt existed as to the sufficiency of the securities, to abolish their fear and give the benefit of their doubts to the side of mercy and humanity.

Mr. *Cutlar Fergusson* could but compliment the hon. and gallant Member for Barnstaple on the manner in which he had introduced the subject on that as well as on a former occasion. He would venture to say, that a speech more moderate, more discreet, and more to the purpose which he sought to attain, than that delivered by the hon. and gallant Member could not have been made; above all, he was entitled to praise for having by his own example shown how necessary it was to abstain from all irritating topics—an example which he (Mr. Cutlar Fergusson) trusted would be followed in the course of that evening's debate, the question being one which should be decided not by the passions of the audience, but by the exercise of their sober judgment and reason, after full deliberation. Still, while he did what seemed to him no more than justice to his hon. and gallant Friend, if he would allow him to call him so, in thus speaking of the manner in which he had introduced his motion—he must say, that he felt that his hon. and gallant Friend had, notwithstanding, left the main and substantial part of the question wholly untouched—that question being, in fact, not whether there are grave and serious objections to flogging, but whether they were prepared, by a resolution of that House, to declare that a punishment, hitherto considered essential to discipline, should instantly and for ever be struck out of their military code without its being proved to the satisfaction of the House that a substitute could be found to maintain the discipline of the army. The question must be decided, however, not by the feelings and sentiments of individuals but on information and evidence, weighed by that good sense which ordinarily distinguished the Acts of that House. His hon. and gallant Friend had told them that he had abstained during the last Session of Parliament from bringing the question to the test of a division in that House; yet he had not said one word as to the effect which, since then, the Report and evidence, which had been published, had had on his mind, though he must have read it with great attention and felt a deep interest in it. He must presume, therefore, that it had had the effect of convincing his hon. Friend, that his former views were erroneous, otherwise he would have endeavoured to show that the Commissioners were mistaken and that the Report was not justified by the evidence. He would venture, on the contrary, to say, that any person who dispassionately read that Report and evidence, must have all doubt expelled from his mind upon the subject. With respect to the main question whether they would part with the power—not the exercise of the power, but the actual power—of inflicting corporal punishment in extreme cases, there was no person opposed to the immediate abolition of it who had ever said that they ought to inflict it in a single case in which they could avoid it. That was the principle on which he defended the law as it now stood; and proceeding as they were with measured strides towards, not the total, but the almost total abolition of that punishment, he thought that if the Government and the military authorities of the country were allowed to continue in the course which they had been following for the last eight years, the power would remain, but the exercise of it would be totally discontinued. In his opinion the House would see that it was not possible to do more than had been done, nor to have done it more effectually, towards restricting the infliction of that punishment, especially when they found, by the returns which had been laid upon the Table of the House, that eight years ago the number of corporal punishments exceeded the number of punishments of every other description, and that in the year past, the number of corporal punishments had been to the number of other punishments as one to nine. It would be scarcely possible for any one to say, that the Government and the military authorities had evinced any neglect, or that the course which they had pursued of proceeding gradually in the attempt to abolish, was not likely to lead to a favourable issue of this question, much more than an immediate and entire abolition, which would, in his opinion, strike at the very root of the discipline of the army, and leave them no protection for anything dear to them, nor any means of repelling foreign aggression or of avenging the honour of this country, if necessary. It was a great object to abolish corporal punishment, if it were possible, for this best of all reasons—that it was a punishment from which the mind revolted: the sight of which, as he could believe, though he had never witnessed its infliction, must excite feelings, at the least, of the most unpleasant and painful character. But all punishments were in that respect nearly alike; and this punishment being even so cruel and severe, still he should say that the end of punishment being example, the fact of its being of that cruel and severe character was not in itself a reason why it should be abolished. If it were so, capital punishment itself, the infliction of an ignominious death upon the gallows, ought to be abolished for the same reason. He knew, indeed, that there were some persons who advocated that abolition; but there were crimes of such a nature, and among them murder, that the mind would revolt if the life of the person who had committed them were not forfeited. The object of punishment was to deter others from committing the offence for which it was inflicted; and on the same principle that the punishment of death ought to be abolished, because it was productive of pain to the individual, every punishment that was ignominious, severe, and cruel, ought to be abolished. The hon. and gallant Member for Barnstaple seemed to have viewed the object of punishment in one light only—namely, in that of reclaiming the individual upon whom it was inflicted; that was an object, but it was undoubtedly not all that was desired, it being an object at the same time to deter others from the commission of crime. He was surprised that the hon. and gallant Member had not noticed this part of the case, he had contended that the punishment hardened the individual without operating as an example. In fact, however, it was a most efficacious example and frequently reformed individuals. He could show that every officer of standing who had seen service, had declared it impossible to abolish the power of inflicting corporal punishment, without shaking to its foundation the discipline of the army. He could bring such witnesses to the number of thirty-three or thirty-four. He would first, however, state what had been done towards the discontinuance of flogging, because it was his object as much as it could be that of other hon. Members if possible to put an end to that punishment, but, at any rate to restrict it within the narrowest limits. From the returns before the House it appeared that in the three years 1825-6-7, the number of corporal punishments exceeded the number of punishments inflicted in any other manner whatsoever. In the year 1827, or eight years ago, the number of corporal punishments was 2,632 and the number of men sentenced to various punishments other than corporal was 2,541. In 1828 the number of corporal punishments was less than the number of other punishments, and since then the proportion of corporal punishments had been gradually diminishing. In the year 1834 there were, he was sorry to say, 10,212 soldiers tried by Courts-martial; but of this number only 1,057 were sentenced to corporal punishment, and on 963 only was the punishment inflicted, whilst 8,946 were sentenced to punishments other than corporal. Comparing this with the number of men punished in 1827 he was entitled to say, that they were making rapid strides towards abolishing corporal punishment. [Mr. *Hume*: the one is the number for Great Britain, the other for the whole army.]

The return was for the whole army. [Mr. *Hume:* No.] The hon. Gentleman may know better than the Adjutant-General;—I have the Return here from the Adjutant-General's office, "showing the establishment of the British army in each year, from 1825 to 1834, both years inclusive, the number of persons tried by Courts-martial, &c." [Mr. *Hume:* Read the memorandum underneath.] The hon. Gentleman was always finding mare's nests,—he had never known him to find any others. The note to which he had alluded referred to certain years for which the returns were incomplete, stating that they had not been received, "for 1832, the 4th regiment; for 1833, part of 2nd West-India Regiment; and for 1834, the 40th, 50th, and Ceylon Regiments." To these he had not referred; he had only shown what had been the numbers in 1827, and then that, in 1834, the number of persons tried being 10,212, there had been 1,057 sentenced to corporal punishments—the number of those sentenced to various punishments, other than capital, being 8,946. This reduction had been brought about by the efforts of the military authorities. So early as 1812 a circular had been published, as would be found stated in the evidence of Lord Hill, for the purpose of limiting the operation of regimental Courts-martial. Previous to that time regimental Courts-martial were not restricted in the matter of corporal punishment; they were competent to award any number of lashes. In that year a restriction was made to the amount of 300 lashes. In 1830 the award of a district Court-martial was limited to 500 lashes, and in 1832 to 300, and the award of a regimental Court-martial to 200 lashes. He had to mention to the House that it was intended to limit still further those powers. He thought that this was a very wise measure; but upon former occasions, when the power existed of inflicting five, six, seven, and eight hundred lashes, this was an oppression as great as could be conceived. Such an enormous power ought not to be left in the hands of any persons; but the question was not then before the House whether corporal punishments ought to be moderated—not whether they ought to be reduced to a proper number as they were now—the power being henceforward confined to allowing one class of Courts-martial to inflict 200 lashes, and the other class 100—the question was not whether they had done all that they possibly could do to alleviate the evil, but whether they were to abolish the punishment altogether, and thus interfere with military discipline. He believed, if they asked the British soldier—would he exchange his situation to take service under any other power in Europe? he was perfectly satisfied with Sir George Murray, that the British soldier would, with all its inconveniences, prefer serving in the English army, to that of any other power on earth. The hon. Member who had seconded the motion, had referred to the opinion of Sir Willoughby Gordon respecting the French army, and as to its being perfectly well conducted. This had nothing to do with corporal punishments. That gallant officer was asked as to that of which he had official knowledge, the description of the French army; but not as to corporal punishments. He must, with the permission of the House, as the hon. and gallant Member had referred to the evidence, make a few remarks upon the information that afforded on the question, whether corporal punishments ought entirely to be done away with? Now he found only two, amongst a great number of persons who were examined, who declared themselves favourable to its entire abolition. There were but two hon. and gallant Gentlemen; these were the Members for Barnstaple and Hull. Five hon. Members of that House were examined, but only those two of the hon. Members stated, that the abolition of corporal punishments in all cases was proper. And let the House recollect, that if this motion went to the full extent, no crime, no matter how disgraceful, theft itself, if they passed the resolution, could not be visited with corporal punishment. And yet they were to find the discipline of the army maintained, though they could not punish the most disgraceful offence! How could they maintain that discipline in England if they could not punish theft by whipping, because the offender was in the army, when, under the provisions of the Act of the right hon. Member for Tamworth, the punishment of whipping was still continued for not less than seventy or eighty different offences. What was to be done, then, with the soldier? A return moved for by Mr. Hunt in 1832, had been noticed by the hon. and gallant Member for Launceston, by which it appeared that upwards of two thousand persons had been flogged in that year by the order of the Magistrates. That punishment was inflicted by the ordinary tribunals of the land, and there was not one person came forward to object to it. It was not so popular a topic as that of corporal punishments in the army. He had a list in his hand of the different offences for which the punishment of whipping could be inflicted, with which he should not trouble the House, but it included felonies as well as misdemeanours. It was not said, that flogging was to be struck out of the criminal code, it was every day practised, but they heard nothing of it, and the reason was, that no popularity was to be gained by declaring against it. One particular point had been relied upon by the hon. Member who seconded the motion, and that was as to there being no corporal punishments in the French army. Why was that? By a decree of the National Assembly, corporal punishments were abolished in all France. It was not so in England: corporal punishments were inflicted by our criminal code. Were they, then, to render Courts-martial incompetent to punish, by whipping, offences that were deemed disgraceful, and which were punished by whipping when the offence was cognizable by the civil power? If they passed the resolution thus proposed, it would be incompetent for a Court-martial to inflict corporal punishment, but they still might take the soldier out of the barrack, where he could not be flogged, and send him to the jail, where he might be flogged. Let them send the soldier to the House of Correction —to the jail at Maidstone for example, and there, under the law of the land, he must undergo the discipline of a House of Correction. The Commissioners had been told by Mr. Thomas Eager, the governor of the jail of Maidstone, that upon one occasion the soldiers were very riotous, and he sent for the visiting Magistrates— "the ringleaders were discovered and flogged, two of them severely, by order of the Magistrates." They were, he said, much more severely flogged than the punishment amongst soldiers. Mr. Eager was asked, what was the effect of the flogging? and his reply was—"It had a very great effect. Those soldiers have been extremely well-behaved ever since. They acknowledged that they deserved it, and that they were extremely sorry for it." The Commissioners had received the testimony of about 120 or 130 officers of long experience, all to the same effect; none of those officers said that they could do without being intrusted with the power of flogging. Of the five hon. Members of the House who were examined, only two were for the abolition. The hon. and gallant Member for Westminster said, he would get rid of it in Great Britain and Ireland as a preliminary; that in two years it might be done away with in the Colonies, and in three years in the East Indies; but that, as to taking away the power from officers commanding in the field, that was totally out of the question. There the commanding officer ought to be a dictator. The Member for Westminster could not be cited as an authority for the motion of the Member for Barnstaple; and if he were in his place, he could not have voted for it. The hon. Member for Surrey, in his evidence before the Commissioners, said, that in actual service in time of war, corporal punishment could not be dispensed with; that he never has maintained that it could be done away with in the field; and that it stands to reason, that the officers must then have additional power. Even in time of peace, the hon. Member did not speak with entire confidence. After saying that there was a great difference of opinion, he was asked—

> "You think it would be well to make an experiment, but you do not speak with entire confidence as to the result?—Just so; and I do not certainly speak with confidence of it, without reference to the adoption of a system of honours, rewards, and promotions."

He expected, therefore, the vote of the hon. and gallant Member for Surrey against the motion. The evidence of the hon. Member for Middlesex was this. He was asked—

> "Is it your notion in respect to the alteration of the discipline of the English army, that corporal punishment should be entirely abolished, or that the power should remain, of inflicting it in certain cases?—That it should be entirely abolished, except in the field, which I have always said should be considered, after the trial was made in cantonments and in peace."

Again—

> "You are understood to say, that, upon service, you would still not do away with the use of the lash?—In emergencies, where men openly plunder, or violate the rules laid down, and where order must be maintained, I do not see that there are any other immediate means of checking them."

Here was another authority against the motion of the hon. and gallant Member for Barnstaple. Let the whole of the evidence be sifted and examined, and he would venture to say, that the motion would find no support from the authority of any officer who had been examined, except his own, and that of the hon. and gallant Member for Hull, on whose testimony before the Commission he must make a few remarks. He says—

"A great, and perhaps the principal, fault of corporal punishment is, that it fails before the enemy."

And how does the hon. and gallant Member support this proposition? Will the House credit it? By adducing an instance of the most perfect and complete success of that punishment before the enemy. [Colonel *Thompson*: read the evidence.] Since the hon. and gallant Member wished him to read it he would do so. In page 234 of the Commissioners' Report, to take the second instance which the hon. and gallant Officer gave, he found this statement—

"I recollect, in the 14th Dragoons, having occasion to make a complaint against soldiers who had committed what I consider a military crime. I was ordered, in the Peninsular war, with, I think about eight dragoons and sixteen Spanish infantry, I believe it was in the neighbourhood of St. Severs, to ascertain whether a division of French cavalry was at a certain point six or seven miles off. I contrived to arrive there near night-fall, and ascertained that they had been gone about four hours. As I returned, the Spaniards got very frightened, and begged the dragoons would not leave them. I ordered different individuals of the dragoons to move in advance of the detachment, my fear being that we might fall in with a body of the enemy; and if we had timely notice of it we might retire by some cross-road, or, in case of extremity, disperse. As fast as I sent a dragoon out of sight, he trotted off and made the best of his way to camp. Not one man staid with me but the corporal. The Spaniards, the corporal, and I, arrived safely in the English out-posts. I immediately complained to the colonel, who did not punish the men, and all he did was to apply a strong expression to them, but the men were never punished. That struck me as a proof of the inapplicability of corporal punishment before the enemy; for I feel certain, that if those men had committed anything like a similar irregularity in a barrack-yard in England, they would have been very severely punished."

In that case the commanding officer differed in opinion from the hon. and gallant Member, and the men were not punished. But there was another case mentioned by the gallant Officer, a case of real emergency, in which flogging was successfully used, and he would read the very words of it:—

"I can give two instances bearing upon the fact. I will first give one which occurred in the 95th, or rifle regiment, where corporal punishment was not carried to its usual extent in consequence of that feeling. The day before we landed on the unfortunate expedition to Buenos Ayres, being the officer on watch, I heard a private say, 'The officers had better take care of themselves, for we shall have them in our front to-morrow.' I knew what that meant; that if an officer did anything in the way of discipline which the men did not like, he should be shot. I brought the man up for punishment, and the man was tried. At that time, corporal punishment was almost the only punishment in vogue except for very slight crimes. The court-martial found him guilty, and inflicted upon him, if I recollect right, 150 lashes; which, although it may be a severe punishment in itself, was a very slight punishment in reference to the scale of punishment then existing in the army. For a man would have received 150 lashes on any complaint of a captain; for instance, of his being once or twice drunk, or being habitually dirty. I had been told in quarters in England, when trying to bring down a man's punishment to 150 lashes, at a regimental court-martial, 'You must not make a joke of the service.' Therefore it struck me strongly, that upon that occasion there was a manifest letting down of the scale of punishment—a failure of the system: it was avowed practically to the soldiers that the officers would not, or could not, maintain the scale of punishment previously in use.

"Did he receive his corporal punishment?—He did.

"Did that put an end to that sort of feeling?—I heard no more of it. But the soldiers must have seen that there was a great difference in the application of the scale of punishment then from what it would have been if they had been in quarters.

"Did you happen to sit on that court-martial?—I apprehend not. I was, in fact, the accuser, the prosecutor.

"Do you think that punishment, which you think was smaller than the occasion justified, was awarded from the feeling of its not being advisable to punish the soldiers actually on service, or from some opinion, that the man deserved a punishment of that amount only?—I cannot tell what was the feeling of the officers of the Court-martial. My feeling was, that the act of the soldier was an act of gross mutiny or tendency to mutiny. I believe I may say it is almost the only time in which I have brought forward a soldier for corporal punishment, but in this instance I did bring him forward resolutely, being the officer on the watch, and having heard it while on duty. My impression was, that the smallness of the punishment was in consequence of the sense the officers had of the inapplicability of corporal punishment at a time like that.

"You are not aware of having heard that repeated?—I am not. I certainly heard no more of that kind."

Now, in this case, what mattered the

alleged slightness of the punishment, which however was 150 lashes, if it effected the purpose? In that case, too, it appeared that the corporal punishments put an end to the party feeling that prevailed. And how those instances could be adduced by the gallant Officer, to prove that corporal punishments failed in the army, he, to the last day of his life, should be unable to conjecture. He had now read the evidence of the hon. and gallant Member for Hull, and he thought it quite conclusive the other way; but if they were to handcuff soldiers, and order them to solitary confinement, while on service, what was to become of the service? He should on this point refer to the evidence of another military officer, Lieutenant Blood, a person of great merit, who, though the son of a gentleman, had enlisted in the army, and had been promoted from the ranks for his gallant services. He was asked this question:—

> "When you enlisted, were you sensible you made yourself liable to this punishment if you misconducted yourself?—Most unquestionably I was.
>
> "Was any impression made on your mind by that circumstance when you enlisted?—No; I knew I should conduct myself properly; I never felt the necessity of considering it, as far as my own feelings were in question. I was never, under any circumstances, for one moment a prisoner in a guard-house, or elsewhere."

This he thought was perfectly conclusive for retaining corporal punishments. It was the opinion of this officer, that they were more necessary in the field, for he says—

> "It appeared to have had a very desirable effect; if the power of inflicting this corporal punishment was not in force, it is my firm opinion, that it would be attended with the most serious and fatal consequences, and particularly so in the field before the enemy.
>
> "You think it would have had the effect of destroying the energy of that regiment upon that occasion?—Yes, I do, considering what was the description of some of the characters we had to do with then; and if he was not instantly punished in the summary way he was, it would have induced him and others to set all their officers and all authority at defiance. In this month I also witnessed another drum-head punishment in the division, on the line of march, on three of the 95th Rifles, by order of Major-General Robert Crawford. While actually marching these men fell out for water, which was a violation of his orders. He had two or three dozen lashes inflicted. This had the desired effect also. No soldier of that division, for more than two years I was marching with it after, committed a breach of that order. Now surely men are not to be shot for such crimes as these, when a few lashes are effectual, and the men preserved; and yet, under such circumstances, either punishment must be put in force. There is no other that can be established for immediate example on the march or before the enemy."

That was the testimony of a most competent witness, and as far as authority could go, must be held to be conclusive on the point. He had already said, that General Evans, who, it was well known, had the strongest objection to the infliction of such a punishment, had declared it could not be done without, and it was known, that he now employed it. There could be no doubt, that corporal punishments were disliked by the officers of the army. Was it to be supposed, that the gallant men who were examined were lost to the feelings of humanity?—that they took a pleasure in shedding the blood of their fellow-creatures? Nothing was, or could be, more abhorrent to their feelings than such punishments, and none could have a greater dislike than they had to their infliction. He could not describe their feelings better, while he corroborated by very strong testimony, the opinion that flogging could not be abolished, than by quoting the words of Sir Henry Fane upon this point. The hon. Member then read the following extract from the evidence of Sir H. Fane:—

> "You have been questioned with respect to the effect of the alteration of the punishment in the army, from corporal punishment, to solitary confinement in garrisons at home; do you conceive that an alteration of that kind could be effected when the army is in the field, and that the discipline of the army could be kept up?—It must be utterly impracticable. I think my brother officers, who are members of this Commission, will all agree with me in that statement. I will put a case as an example. It chanced that I was ordered to conduct from Toulouse, after the battle of Toulouse, to Boulogne and to Calais, the whole of the cavalry, some artillery, and the *materiel* of the Duke of Wellington's army. I marched them in two columns through France, and embarked them at Boulogne and Calais. By the power of maintaining discipline which I had in my hands, I was enabled so to conduct them as to receive so much of the approbation of the French Government as to be offered, as a distinction, the order of the Legion of Honour. I will ask any member of the Commission how I could have conducted those two columns, had the power of inflicting corporal punishment, if necessary, been taken out

of my hands, and the power of solitary confinement only substituted in lieu of it?

"In point of fact you could not?—That is my opinion.

"Supposing solitary confinement had been the only punishment allowed, how would you have proceeded, upon your line of march through France, to put that into execution?—I should have found it to be utterly impracticable."

Nothing could be clearer than the justice of this observation. He would next quote the same gallant officer's opinion upon another point:—

"When you commanded a regiment, did it appear to you that the infliction of corporal punishment upon the soldier always carried with it considerable degradation in the eyes of his brother soldiers?—I will say of myself, as I should say of almost every one of my brother officers, that the task of inflicting corporal punishment was always so painful to us, and our feelings towards our soldiers were so different from what persons seem to suppose—indeed so much more like the feelings of a father towards his children (at least it was always my own)—that the infliction of corporal punishment was the most painful duty we ever performed. I never did it when I could possibly avoid it. When I did it, I did it for the sake of example. I did it with that degree of severity which was calculated to make an impression. The degradation depended upon the nature of the crime."

The same sentiments pervaded the whole of the evidence in the volume before the House. If hon. Gentlemen had read that volume, they would see the universal feeling to be that the punishment of flogging was in itself not disgraceful—that it was the nature of the offence for which it was inflicted, such as thieving or swindling, which cast disgrace upon it in the eyes of both officers and men. It would be seen also from the same evidence that the infliction of this punishment was in itself no impediment to future promotion. He would now refer to the evidence of a gallant relative of his (Colonel Fergusson), who, he believed he might say, was a gentleman of the very mildest and most humane disposition, approaching almost to a fault—but at the same time he could add, for that gallant officer that he was a soldier, and as a soldier he had always done his duty. Colonel Fergusson stated that there had been nine or ten cases of corporal punishment inflicted in the 52nd regiment within the last three years for violence, insubordination, and conduct of a disgraceful nature, including one or two instances for theft. He would beg the attention of the House to the following passage in this gallant officer's evidence:—

"Recourse is now had to solitary confinement and imprisonment, with or without hard labour, in lieu of corporal punishment, in many cases?—Yes, in many cases.

"Do you find that the discipline of your regiment has been deteriorated by the substitution of those punishments for corporal punishment? Certainly. More offences have been committed since the restriction has been made.

"Do you find that the late regulations, restricting the power of the commanding officers more than they were before, have had a good or a bad effect on the discipline?—A bad effect, decidedly.

"You think the example is more striking of corporal punishment than of imprisonment, and more effectual in deterring others from crime? Yes, decidedly so.

"The effect is greater in consequence of the punishment being inflicted immediately, and the whole gone through in the presence of all the men?—Yes, exactly.

"Where, for reasons, punishment cannot follow the offence immediately, but must wait for trial by court-martial, do you think imprisonment with hard labour, especially if it was in a place in the sight of the men, would be sufficiently effectual for the object of maintaining discipline?—No, I really do not think it would; for we have instances of men who have been two and three months in imprisonment, and when they come out they will commit the same offence in three or four days again.

"Do you not find that men who have received corporal punishment have done the same?—No, we have but few instances; and I find that the rarity of it increases the effect. I have had several instances of men who have received corporal punishment, come to me afterwards and say, "Sir, if you will forget what is past, you shall find me in future a good soldier;" and in almost every instance the man's conduct has improved; and I am confident we have many instances of young soldiers, whose conduct has been so violent that we have been obliged to resort to corporal punishment, and that its effect has invariably been good, and often has saved men from committing serious offences, for which they would be transported.

"Do you think that young man you refer to has lost himself in the opinion of his comrades?—Not the least; it is the crime that injures them in the eyes of each other, not the description of punishment."

He would next refer to the opinions of some officers favourable to the view taken by the hon. Member for Barnstaple.

Sir Octavius Carey gave it as his opinion, that all sorts of punishments, no matter of what nature, whether of extra drills, of flogging, or solitary confinements with hard labour, all were ineffectual in the way of example, except that of death alone. This gallant officer, in the course of his evidence, stated—and in that statement he entirely concurred—that "the constant infliction of corporal punishment exercised a brutalizing effect upon the men, and rendered them indifferent to punishment." He stated further, that "he thought the army would be kept in better order by minor punishments, executed certainly and promptly; and that on foreign service solitary confinement would be impossible; and that he would therefore allow corporal punishments under this circumstance, by drum-head Court-martial and no other." The right hon. Member read the following passage in the evidence of Joseph Hume, esq., M. P.—

> "The gallant officer's reason for them was, that the punishment would then be instantaneous; so that he was not an authority for the views of the hon. and gallant Member for Barnstaple."

Again, the hon. Member for Middlesex gave the following evidence:—

> "You are understood to say, that upon service you still would not do away with the use of the lash?—In emergencies, where men openly plunder or violate the rules laid down, and where order must be maintained, I do not see that there are any other immediate means of checking them. I do not pretend, therefore, to say, that I would do away with the power in such cases, but, like the offence of stealing, the punishment, though disgraceful, would, I think, meet the approbation of the army, if thus justly administered. It must be well known to military men, that the success of any enterprise in the field depends upon the following it up; and if men will disobey orders, and have recourse to plunder, success may be by that means turned to defeat, and there must be, I apprehend, the means of repressing it on the instant."

He would next refer to the evidence of Sir John Woodford, which he certainly must characterise as most extraordinary, though it had been much relied on by those who were opposed to flogging. This gallant Officer stated, that,

> "Under particular circumstances of emergency, requiring an instant example, corporal punishments would be fittest, and, he presumed, most effectual in impressing fear at the moment. It would be more effectual for only being resorted to on such occasions of necessity."

In that opinion he entirely agreed; necessity alone should warrant the infliction of this punishment. But the gallant Officer stated, also,

> "That corporal punishments, as formerly exercised, had, in his opinion, a less good effect than the present mode of confinement and hard labour, solitary confinement taken into account, which he considered the best kind of punishment."

He was of opinion further,

> "That supposing the means of applying the punishment of imprisonment with hard labour to be made more perfect and complete, corporal punishments might be dispensed with on home service, for common military offences committed under ordinary circumstances."

Among the extraordinary circumstances under which, in the opinion of this gallant Officer, corporal punishment might be inflicted, was wilful disobedience of a soldier on parade, or under arms, to the lawful command of his superior, or for striking or offering violence to an officer, theft, or other disgraceful conduct, and for the second offence for drunkenness on duty, sleeping on duty, striking or using violence to a non-commissioned officer. These offences the gallant Officer proposed should be punished by a prevotal Court-martial, who are to be invested with the authority of a distinct garrison Court-martial, with the power to inflict—how many lashes did the House suppose?—no less than 500 lashes. Now certainly it was rather inconsistent in this gallant Officer, who expressed himself as opposed generally to the infliction of corporal punishment, to propose to give a prevotal Court-martial the power to inflict as many as 500 lashes, whilst, by the rules at present in force in the service, a general Court-martial could only order 300 lashes. The next authority to which he would refer was that of Colonel G. Burrell, whose evidence was as follows:

> "Taking all circumstances into consideration, are you of opinion that, as far as Great Britain and Ireland are concerned, it would be possible to do away entirely with corporal punishment?—I must say, I should be sorry to be deprived of the power; but, I think it would be practicable, for we might apply for general Courts-martial, and these men might be transported; but we must have reference to a higher power for such Courts-martial, and the delay would be injurious. I will state why I should object to the power being taken from us; suppose, in time of peace, we can obtain men of that description, that we can carry on the discipline of a corps without corporal punishment, if we should unfortunately get involved in a war, we must take any able-bodied men who can be got to fill our ranks; and if the power were taken away from the Courts-martial, I am persuaded that the Legislature would never restore it. The power had better,

therefore, remain, though a dead letter, with troops at home."

The same gallant Officer, being asked his opinion as to the possibility of disusing the practice to the same extent in the colonies, replied, that "he found it would not answer;" and being asked for his reason for this apprehension, replied that, "the men drank there (in the colonies) to a great extent." Being asked, also, whether he thought it would be possible to do away with corporal punishment when the army was in actual service in the field, he replied, "Certainly not." Lieutenant-Colonel Duncan Mac Gregor, who commands the 93rd regiment, and had been thirty years in the service, had a great horror of corporal punishment, and, if possible, would like to see it abolished, except in the field, where he said it was unquestionably necessary; and, perhaps, in certain other cases, where a man, for instance, would peremptorily and perseveringly refuse to undergo the punishment of hard labour. His evidence was this:—

> "So that your opinion is, that it might be possible to do away with corporal punishment in most cases, but that the power ought to be reserved?—Yes; but if I could firmly believe—what I am disposed to hope—that the absolute abolition of corporal punishment would have the effect, along with other expedients, of drawing to the army a more respectable description of recruits than we generally have at present, I would give it up in all cases except the field."

But he afterwards said,

> "I do not feel a very strong opinion on the subject. I should, however, be rather inclined to try the experiment."

It was clear, that much was required to be done, particularly in respect to the composition of our army, before the experiment could be tried which was suggested by Colonel Mac Gregor. That gallant Officer, who commands a Highland regiment, says,

> "That as long as it was composed of Highlanders only, he could preserve discipline without corporal punishment; but that, when it came to be mixed up with other materials (which the gallant Colonel considers less worthy materials), he was obliged, in the West-Indies, where even his own Highlanders had been contaminated, to have recourse to corporal punishment for violence to non-commissioned officers, drunkenness on guard, or sleeping on their posts, generally arising from drunkenness."

Lieutenant-General Lord Edward Somerset, who had been forty-two years in the army, said in answer to question 390:—

> "I have always felt anxious to avoid it [corporal punishment] if I could carry on discipline without it; but I have never yet been able to discover any other effectual means of punishment, such as could be brought into practical use in all circumstances of the service at home and abroad, in case of notorious irregularities that required severe example to suppress them."

He would call, therefore, upon the House to recollect, that they were required to provide for the time of war as well as that of peace, by their vote on this question to-night. He would entreat them, therefore, to pause before they totally, and in every case, prohibited a practice which, though at present but sparingly required, was found, under certain circumstances, to be indispensable. He would next refer the House to the evidence of Colonel Townsend, which was very much relied on by the advocates of the abolition. This officer stated before the Commissioners, that he had been very anxious to do away with corporal punishments in his regiment, and had endeavoured to make a fair experiment to substitute another system of punishments, the result of which, however, was, that "he was almost convinced the punishment of flogging could not be entirely done away with." He stated his opinion, that the infliction of corporal punishment had more effect upon the men than any other. He would also beg attention to the following passages of this gallant Officer's evidence:—

> "Have you had many instances of renewal of offence after flogging in the same individual?—Not since I commanded the regiment.
>
> "Have you had many renewals of offence after solitary confinement?—Yes, we have.
>
> "From that observation, the impression upon your mind would be, that the one punishment had less effect upon the mind of the individual than the other?—I think the solitary confinement had less effect upon the mind of the man than corporal punishment in improving him; and also by way of example.
>
> "Have you any idea that the infliction of corporal punishment in sight of the men has an injurious effect, in rather exciting sympathy on the part of the soldiers?—No, I do not think so. Corporal punishment is not resorted to except in very extreme cases."

The next testimony he would refer to was that of Major General Sir Thomas Pearson, who stated that "he never saw any good effects, but on the contrary, bad effects from the punishment of solitary confinement;" and being asked, "Are you of opinion that the system of solitary confinement, in lieu of corporal punishment, such punishment being entirely forbidden, would have the effect of maintaining proper discipline in the army?" He replied, "I consider that, if corporal punishment were abolished in the British army, the command of the British army would be virtually given up. I consider that it would be totally impossible to maintain such discipline as would be necessary to uphold the character and reputation of the British army, without corporal punishment remaining to be resorted to in case of necessity." Being asked also, "Is it your opinion that the infliction of corporal punishment, attended by all the solemnities with which it is accompanied, has a considerable effect on the other soldiers of the regiment who witness it?" He replied, "decidedly so." Another very gallant officer, Colonel Mackinnon, after recommending the removal of the incorrigible to some corps on a foreign station, said, that

"Until some plan of that kind was adopted, no abandonment of the punishment of flogging could be thought of. Whether with the aid of some such plan as that it might be found possible, even on home-service, he was not able to say; but there could be no doubt that the sudden promulgation of a law for the immediate abolition would be equivalent to a proclamation in favour of mutiny. The punishment of flogging, if ever it were to be abolished, should be made gradually to disappear in practice by the silent substitution of other methods, before its express and formal abolition."

The gallant officer, in reply to questions put to him by the Commissioners, gave the following remarkable evidence also:—

"Supposing that an order was to issue from head quarters entirely to abolish the practice of flogging, could you be answerable for the discipline of the Coldstream regiment, which is now under your command?—I think not, decidedly; I could not be answerable for it. I think there would be mutinous conduct, and that would increase very much.

"Are we then to understand that your opinion is, that corporal punishment should be resorted to in cases of necessity only, but that the power of inflicting it should be retained?—Most decidedly; I conceive that if you were not to retain the power of punishing men by flogging, the officers might as well pull off their hats to the regiment, and wish them good-by."

Colonel W. Augustus Keate gave the following evidence:—

"Are you of opinion that corporal punishment has more effect in deterring an individual from the re-commission of crime, than imprisonment with hard labour?—Yes, certainly.

"What is your opinion of it as an example to other soldiers who witness it?—I have no doubt it is an example, and that the other is none.

"After what you have stated, it is scarcely necessary to ask you, whether you conceive it would be possible to keep up the discipline of the 3rd regiment of Guards, without the power of inflicting corporal punishment in certain cases?—It is my decided opinion that it would not.

"From your experience when on service, do you think it would be possible, under any regulations whatever, to carry on the discipline of the army without corporal punishment?—I should say, certainly not; I cannot conceive how it could be done."

Major-General Sir J. M'Lean's evidence contained the following passage:—

"Since corporal punishments have been less frequent in the Artillery, is it your opinion that the discipline of the regiment has been more or less easily maintained?—I am humbly of opinion that it has not been of advantage to the service; that in former times you tied up a man and flogged him, and the example was immediate and good; now a man knows exactly how far he may go; he knows he will not be tried by court-martial unless he goes to a certain extent; he will keep within the extent, knowing he will have only a few days confinement for that."

This gallant officer's experience went to show, that the punishment of confinement, with hard labour, had been of no use whatever in reforming the culprit. The right hon. Gentleman quoted other portions of the evidence given before the Commissioners at considerable length. It all went to show that corporal punishment could not be wholly dispensed with. In conclusion, the right hon. Member observed, that if hon. Gentlemen in that House had read any portion of the Report of the Commissioners, they had certainly read the evidence of the Duke of Wellington and Lord Hill, and the gallant Member for Launceston. It was not that he did not attach the very highest importance to such evidence, but because he presumed that every Member of the House had looked, with more or less attention to the Report; and he did not believe that any one could have opened it without reading with attention that evidence, which sanctions, with its high authority, the testimony of the other witnesses to which he had referred. In opposition to this overwhelming mass of evidence and authority—such as he would venture to say had never been produced upon any great inquiry before, they were called upon to legislate on the sole authority of the gallant Members for Barnstaple and Hull. Was the House ready to incur such a tremendous responsibility? He could not entertain any fear upon the subject, when the judgment and good sense of a British House of Commons were to decide the question. The object of the hon. and gallant Member was, to sweep away from our military code the punishment of the lash for every offence—no matter how aggravated, no matter how disgraceful—for mutiny and for theft, it was equally to be abolished. It was not to be used in any case, either for example or retribution. It had been called a degrading punishment—it had been called a cruel punishment, without stopping to observe that the whole evidence proved, that the soldier who was punished by the lash was not disgraced among his comrades, unless the offence for which he was punished was disgraceful. He would repeat that the objection to punishment, that it was disgraceful, or that it was cruel, is not, by itself, sufficient to make a case for its abolition. Was the House, then, prepared to say that, henceforth, in no one case of crime however disgraceful—whether, for instance, of theft, cheating, or embezzlement—the lash should be used by way of punishment appropriately disgraceful? If the House were prepared to say, that neither at home nor abroad, in peace nor in war, for any offence whatever, corporal punishment should be used in the British army, then he very much feared the whole system of military discipline was at an end. If they parted altogether with the right of inflicting corporal punishment, they parted with the right arm, as far as regarded the proper discipline of the army. For his own part, he felt that he had but done his duty to his King and to his country by agreeing to the Report which had been laid before the House. The Commissioners had entered upon their task of inquiry with unbiassed minds, and with every desire, if it were possible, to assist in promoting a milder code of punishment; but from a careful examination of the evidence, both as it was being delivered, and since it was printed, having read it over and over several times, he felt bound to say, that he did not see the possibility of effecting any more rapid improvements than were at present in progress.

Mr. *Poulter* said, it could not be denied that much had been done of late years towards the abolition of military flogging; but still, in spite of all the high authorities which had been referred to by the right hon. Gentleman who had just sat down, he thought a better system might be adopted, which should render corporal punishment altogether unnecessary. As to the extreme cases so forcibly put by the right hon. Gentleman in the course of his speech, and stated in the Report at considerable length, in such cases he thought that upon the principle *salus exercitus est suprema lex*, a code of common law might be enforced against offenders, as was the case with the rest of the community. He would not object, for instance, to severe measures in such extreme cases as disobedience or mutiny in the very presence of the enemy. "The schoolmaster was abroad," but he certainly was not as yet given a fair and just trial in the barracks. Indeed, he was hardly admitted within their precincts. No doubt hon. Members were aware that parochial lending libraries had been established throughout the country, and that these tended much to improve the moral, religious, and intellectual condition of the people. Had any body heard of such a thing established in any regiment? [*Hear, hear!* from Lord *Sandon.*] Well, if by the cheer of the noble Lord he was to understand that the experiment had been attempted, why was not such a change carried to a greater extent? Was a system of improved instruction generally resorted to? Had they adopted a reward for good conduct, either civil or military? Was the prospect of promotion to police offices or other offices ever held out to the soldier? For every good soldier who would be lost to the service by such an advancement, at least ten as good men would be secured by the example which it afforded. Had any effort been made to put a stop to the progress of that demoralizing vice of drunkenness which was acknowledged on all sides to be at the bottom of all military excesses, by improving the moral and intellectual condition of the soldier? It was most preposterous to say, that in the absence of all such attempts at improving the discipline of the army by the most effectual means, that that discipline could only be preserved by having recourse to the lash. Most singular opinions were unquestionably stated in the report of the Commissioners. Amongst other grounds of objection to the abolition of this degrading punishment, it was alleged, that the practice was necessary to preserve discipline in our army, when it was not necessary in the armies of other nations, because our soldiers belonged to an inferior class to that from which the men of foreign armies were generally chosen. He could never consent to attribute the achievements of the British army to that miserable expedient for insuring obedience—military flogging. The ultimate and real cause of those glorious victories by which our armies had been distinguished, was to be sought for only in the natural energies, the popular spirit, and gallantry of the British people. He wished hon. Members on the opposite side would take a less narrow, a less professional, view of the question, when propositions were made for reducing or disbanding the regiments of guards. He thought that, instead of charging hon. Members at his side of the House with effecting paltry savings in the estimates, the best answer which they could offer to such propositions was to assert, that the guards were the special representatives of those truly national qualities which distinguished the people of this country, and therefore ought to be the last to be exposed to the hostility of the popular Representatives in that House. He was aware that he spoke in the presence of a gallant General (Sir H. Hardinge), in opposing whom he felt no slight degree of nervousness, particularly when he recollected how skilled that right hon. Gentleman was in the arts of peace as well as distinguished in the exploits of war. But he hoped he might be excused if he took the liberty of asking that right hon. Gentleman whether, in point of mere military experience and habits, he was not, beyond comparison, inferior to those whom he first fought on the continent of Europe? How was it, he would further ask, that the gallant General triumphed in fifty different battles, and opposed a force of 20,000 with only 10,000 men? He would tell him the reason: because he brought qualities to the contest which those with whom he contended did not possess—namely, the qualities of a high-minded Englishman, endowed with great natural talents, which were improved by education. As he had already said, the subject was looked upon by the gallant General, and those who coincided with him, in too professional a light. Lawyers were never—as he could say from some experience—the first to propose improvements in the law. Church Reform was begun by the wish of the laity, though undoubtedly sanctioned by the approval of those who belonged to the Church. They must all remember the prognostications of those who opposed the Reform Bill, the Slavery Bill, and the Factories' Bill, and the evils which it was said would arise from the passing of each of those different measures; and yet all those measures had been passed into law with great advantages, and without giving rise to any one of the threatened evils; and of this the House might rest assured, that military reform could not and would not begin in the army. It was said, that no measures could be found so efficacious for preventing insubordination and disobedience and other offences for which it was inflicted as this practice of military flogging. All knew the effect of solitary confinement on the most hardened mind. Why should not an experiment be made of the effect of that punishment? Again, it was notorious that transportation had been resorted to with the most successful result in cases of forgery. If this substitute had worked so well in civil, why should not the same principle be applied to military life? The argument used by those opposed to the abolition of this punishment, when the example of France was cited in refutation of their position, was, that in that country it was true they did not flog, but they went further, they shot military offenders. Now he had had an opportunity of procuring from the War-office of Paris an account of the French military code; and though it was perfectly true that death was assigned by it to a vast number of offences, he was most positively assured, by an officer of high rank belonging to that service (he meant Count de Bouillet), that, in point of fact, it was carried into execution only in three cases—namely, of desertion to the enemy, of treason, and of striking a superior officer. The punishments in the French army were imprisonment of different sorts, hard labour and irons. It could not for an instant be questioned that the French army was in a state of high discipline. If the discipline of the soldiers of Austerlitz and Friedland had been maintained by these means, why should their conquerors, the soldiers of Waterloo, be subjected to an unnecessary degradation? The real question for the House to consider was, would they pass this measure, or leave it to be passed by the Parliament which succeeded them? Now as he was not perfectly sure of having a seat in the next Parliament, he wished to share in the honour of abolishing a punishment which was totally unworthy of the enlightened and civilised state of society in which we lived. It was quite certain that the public were so much opposed to this system, that they would return a majority against it. He was shocked at the false and disgusting accounts which he had seen in some of the papers, of officers looking on with pleasure at these inflictions. Such statements were as disgusting as they were untrue; but it was true that the system excited general disgust, and there was no doubt it must at no distant day be altogether abolished.

Colonel *Thompson* thought that the direct appeal which had been made to him must be considered by the House a sufficient justification for his referring to two cases which he mentioned in his evidence. The first case to which he referred was thus given in the Report:—

> "I can give two instances bearing upon the fact. I will first give one which occurred in the 95th, or Rifle regiment, where corporal punishment was not carried to its usual extent in consequence of that feeling. The day before we landed on the unfortunate expedition to Buenos Ayres, being the officer on watch, I heard a private say, 'The officers had better take care of themselves, for we shall have them in our front to-morrow.' I knew what that meant; that if an officer did anything in the way of discipline which the men did not like, he should be shot. I brought the man up for punishment, and the man was tried. At that time corporal punishment was almost the only punishment in vogue, except for very slight crimes. The Court-martial found him guilty, and inflicted upon him, if I recollect right, 150 lashes; which, although it may be a severe punishment in itself, was a very slight punishment in reference to the scale of punishment then existing in the army. For a man would have received 150 lashes on any complaint of a captain; for instance, of his being once or twice drunk, or being habitually dirty. I had been told in quarters in England, when trying to bring down a man's punishment to 150 lashes at a regimental Court-martial, 'You must not make a joke of the service.' Therefore it struck me strongly, that, upon that occasion, there was a manifest letting down of the scale of punishment—a failure of the system; it was avowed practically to the soldiers that the officers would not, or could not, maintain the scale of punishment previously in use."

The next was:—

> "I recollect, in the 14th Dragoons, having occasion to make a complaint against soldiers who had committed what I considered a military crime. I was ordered, in the Peninsular war, with I think eight dragoons and about sixteen Spanish infantry, I believe it was in the neighbourhood of St. Severs, to ascertain whether a division of French cavalry was at a certain point six or seven miles off. I contrived to arrive there near night-fall, and ascertained that they had been gone about four hours. As I returned, the Spaniards got very frightened, and begged the dragoons would not leave them. I ordered different individuals of the dragoons to move in advance of the detachment, my fear being that we might fall in with a body of the enemy; and if we had timely notice of it we might retire by some cross-road, or, in case of extremity, disperse. As fast as I sent a dragoon out of sight, he trotted off and made the best of his way to camp. Not one man staid with me but the corporal. The Spaniards, the corporal, and I arrived safely in the English out-posts. I immediately complained to the colonel, who did not punish the men, and all he did was to apply a strong expression to them, but the men were never punished. That struck me as a proof of the inapplicability of corporal punishment before the enemy; for I feel certain that if those men had committed anything like a similar irregularity in a barrack-yard in England, they would have been very severely punished."

The fact was, that the difficulty of doing away with corporal punishment was vastly increased by its being at all allowed. He had not uttered any rash opinions before the Committee; he had not called for the hasty abolition of this practice; and he had not a doubt but that if the attempt to do away with it were made by a single lieutenant-colonel of a regiment, it would not prove successful. He had stated why he arrived at that conclusion. The ground on which he had done so was this—because the officers under the command of such gentlemen, would declare they found it impossible to dispense with it. If, however, the practice were once made illegal, then he was inclined to think that officers would soon find out an effective substitute. If the experiment were made of raising one or two regiments on the understanding that they should be disbanded if their officers could not manage without the infliction of corporal punishment, he could not help believing that the discipline of such regiments would in a short time be placed on the soundest and best footing. It appeared, from the Report of the Commissioners, that officers of the highest rank had expressed their persuasion, that the British soldier was insensible to the degradation of corporal punishment. Now, how could this opinion be reconciled with the account of the mutiny of the European Artillery in India, on the ground that they were placed on a different footing from the native troops. He warned the House against allowing this practice to continue, and abuses of a like nature to prevail in the army, until the chance of such a mutiny in the army as that which formerly broke out in the navy was rendered likely. Was it wise and politic to allow the opportunity to a man acting under strong and excited feelings, or under the influence of ill-humour, to express to the men under his command his sense of the disgusting, filthy, unmanly, degrading, and abominable punishment to which they were subjected in his presence? The man who then addressed them was not very easily moved, but he could assure the House that upon an occasion when this punishment was inflicted, he was as near—as makes the difference between pulling a trigger and not pulling it—saying to his men, "If you are fools enough to stand by and see this, I am not." He hoped, then, that the House would not hesitate to abolish the evils of such a system, particularly when the country was at their feet demanding its reform. And he was convinced, from his own knowledge, that Ministers would find that their constituents and supporters in the country, rejoicing in the same political designation, had gone ahead with the current of public intelligence on this subject—while Ministers, from some cause or other, had remained stationary.

Viscount *Sandon* said, that, as one of the Commissioners, he had given the subject the greatest attention, and had weighed the whole of the evidence, and he had come to this conclusion—that it was not practicable to carry on the discipline of the army on foreign service without the power of inflicting the punishment of flogging in certain cases, but he would confess, that with the exception of offences committed on a march or stealing, which is in itself disgraceful, he thought that dispensing with flogging would be practicable in the home service; but still he thought that the power of inflicting the lash should not be given up until something was found which would prove an efficient substitute for it. Formerly the execution of the sentences of district Courts-martial were delayed until they lost much of the salutary effects which punishment immediately following the crime was calculated to produce, but that defect had, in some degree, been remedied, and might be wholly removed. The hon. Member (Mr. Poulter) had said, that he would not allow flogging until he saw something done for improving the condition of the army; that he should like to see regimental libraries established, and other means of amusing and improving the soldier's mind. It was well known that much had been done in that way, and he was anxious that everything should be done which would make the condition of our soldiers better; but at the same time, he must say, that before those means were tried, he would not consent to give up a power which the most experienced officers held to be necessary. He would admit, that it had, heretofore, been the practice to govern the army with too great severity—that there was too little of reward, and too much of punishment. He would raise and improve the condition of the soldier, so as to make his situation rather an object of envy than of dislike. He would not have them excluded from public walks or amusements, to which, in some cases, there were refusals to admit them. He would also hold out every encouragement to better classes to enter the army. In this way the necessity of punishment would, in time, be done away with. One reason for getting rid of corporal punishment, before other means were tried, was the assertion, that officers would not resort to any other means so long as the power of inflicting that punishment existed, but he thought that any one who had read the evidence would see the groundlessness of that charge. It was put beyond all doubt, that there was nothing which officers more disliked than the necessity of inflicting corporal punishment. The officers, he was sure, would not resort to that mode of punishment if they could get any other system which would be as effectual for maintaining discipline; but until such system was brought into operation, he repeated that he would not relinquish the power of flogging. In the evidence of Colonel Sir John Woodford, there was a catalogue of the offences for which he would inflict punishment. The part of Sir John Woodford's evidence to which he alluded was as follows:—

"You have said there are peculiar circumstances, even on the home service, when it would be necessary to recur to corporal punishment, will you state those circumstances?—On prisoners already undergoing, by sentence of a former Court-martial, imprisonment, or confinement in a cell, guard-room, or prison; on board ship; on the march; under extraordinary circumstances, as of treason, sedition, mutiny, concerted insubordination, or insubordination extending to more than three individuals of the same corps, or for wilful and persevering disobedience of a soldier on parade, or under arms, to the lawful command of his superior, or for striking or offering violence to an officer; for theft or other disgraceful conduct for which the offender is usually discharged with ignominy; and for the under-mentioned crimes, in some cases of a second offence of the kind by the same individual; drunkenness on duty, sleeping on sentry, striking or using violence to a non-commissioned officer, or using insulting or insubordinate language to a non-commissioned officer."

He (Lord Sandon) would not extend the catalogue to so many offences, and most certainly he would not inflict 500 lashes for any, but he could not consent to abolish it for all. It had been argued on the other side, that the practice of inflicting corporal punishments in the army had not produced the effects anticipated, because crime had not disappeared. The same argument would apply with equal force to the use of education as a means of improving the condition of mankind, for education had not abolished crime; but was that a reason why education itself should be abolished? It had likewise been contended that, inasmuch as corporal punishment could be dispensed with in France and in Prussia, it might likewise be given up in England. Surely the House could not forget that the elements of which continental armies were composed differed essentially from those which went to make up the armies of England, and that, therefore, a similar system of discipline could not be observed. Besides, as regarded Prussia itself, he was borne out by the testimony of a gallant Friend near him, that in any war, less national than the last in which the Prussians were engaged, it would have been impossible to have maintained the discipline of that army without the aid of corporal punishments. And then, as to France, there was not the least ground for supposing that the French Government would dispense with punishments of that nature, were it not that their army was made up of conscripts generally taken from a more respectable class in society than the soldiers of this country were usually selected from; in a word, the same rule could not, under such different circumstances, apply to this country and to that. In each of the European countries alluded to, there was likewise a substitute, and in most instances an efficient one. This, as yet, was not the case in England, and until it was, he for one would never assent to the removal of the existing checks. It was not an unwise maxim to keep up the old prop, even though somewhat impaired by time, until a sound substitute could be found. He would entreat the House, therefore, not to abandon one security for the discipline of the army before they had obtained another—not to give up a punishment, the efficacy of which had been proved, till they were assured of a substitute which afforded at least a fair probability of producing as advantageous results. This was the principle upon which his opposition to the proposition was founded, and he trusted a majority of the House would join with him in asserting it.

Mr. *Hume*:—The noble Lord who just sat down had alluded to the general order lately promulgated from the Horse Guards, as having had the effect of materially limiting the number of corporal punishments in the British army. Now, he (Mr. Hume) most unhesitatingly denied, that the order in question had had any such effect. Indeed, it was to him a matter of surprise, that after the expression of opinion upon the subject of corporal punishment by a majority of that House in 1833 (he called it a majority, for although the motion for suppression was lost by a majority of eleven, if allowance were made for the thirty-five Members then composing Ministerial corps, it was allowable to say, that the preponderance of opinion was in favour of the Motion), it was he said a matter of surprise that the authorities of the Horse Guards should have thought to silence the public voice by such a make-belief as in reality the order in question amounted to. The Motion of 1833 was only lost by the manner in which the Ministerial phalanx voted, and as the influence of office invariably actuated it—there was in point of fact a majority in favour of the Motion. How the Ministerial phalanx was likely to vote upon the present occasion he would not take upon himself to say, although from the specimen they had had in the case of the learned Judge Advocate there was every reason to fear that the same baneful influence which lost the Motion of 1833 would defeat that of 1836.

Mr. *Cutlar Fergusson*—I entirely deny being influenced in my opposition to the

Motion by the consideration to which the hon. Member alludes.

Mr. *Hume*—The right hon. and learned Gentleman might deny that such was the fact; and no doubt he flattered himself that such was the fact, but he contended it was impossible for any man who heard his speech of that evening not to believe, though it might be without his being conscious of it, that the learned Judge was influenced by office. He had certainly taken a great deal of trouble to bring forward extracts from the evidence, but, in his humble opinion, he had studiously avoided calling attention to those passages which threw the most light upon the subject. There was, for example, only one passsage of his (Mr. Hume's) evidence, which could in any way be brought to sanction the infliction of corporal punishment, and that the right hon. Gentleman had quoted, and omitted all the rest. As a Judge he was bound to have given a fair abstract of all his opinions, or to have abstained from quoting one of them. But in speaking of corporal punishment, as inflicted in the army, he did not at all consider the extent to which it was administered. He spoke of it generally, as conveying a description of punishment by which men were degraded; and if, as he believed was the case, the infliction of the lash, were applied once or five hundred times, excited an equal sense of degradation, it mattered little what the degree of torture in each case was. What the result of his hon. Friend's Motion might be he could not anticipate; but he was confident, even though it did not now succeed, that ere long public feeling would compel the Legislature to put an end to a practice which, while it degraded, tended to brutalize the British army. He owned it was with some satisfaction he heard hon. Members on the opposite side of the House declare that atrocious cases of punishment had taken place in the British army. But a few years ago that which was now admitted to be atrocious would have been designated by those same individuals as harmless and necessary. This was something, and he welcomed the change as a happy omen for the future. Again, a few years ago it was urged, that the least interference with regard to the subject would tend to the disorganization of the army. Many of those who so argued, now admitted that much good had resulted from the trifling limitation which had been made in the number of offences corporally punishable, This was again auspicious, and he hailed it with satisfaction. Why, he asked, in the present enlightened times should those who perilled their lives in the defence of their country be exposed to such brutal acts as those in force amongst the British soldiers? Was it not a monstrous absurdity to expect that the liberty and rights of Great Britain would be in the hour of need adequately defended by a set of brutes?—for brutes the soldiers of Great Britain were, and it was the Parliament of Great Britain which alone made them so. It was the Parliament of Great Britain alone which sanctioned such atrocities; and every member who voted against the Motion would become responsible for the military torture that would ensue. He would state the extent to which corporal punishments were carried in the army, navy, and marines. By Returns in his hands it appeared that there were in those three services 9,529 flogged in four years, 1830-33, being 2,382 on an annual average of those years. Let hon. Members ponder over the Returns he would read, and remember that they were the parties to blame, and not the officers, whom the system had corrupted. The following was the

Abstract of the Number of Corporal Punishments inflicted in the Army, Navy, and Marine, in each of the four years, from 1830 to 1833, both inclusive.

	Army p.p. 88 of 1834.	Navy p.p. 419 of 1834.	Marine p.p. 393 of 1834.	Total number in each year	Average of these four years.
1830	655	2022	71	2748	2382
1831	646	1727	89	2462	
1832	485	1762	101	2348	
1833	370	1502	99	1971	
Total number in each Service.	2156	7013	360	9529	

But to return to the point from which he set out. The noble Lord opposite told the House, that by the order of the Commander-in-chief, a great limitation had been imposed upon the exercise of corporal punishments. Now this was not the fact. He held in his hand the document in question—it bore date "Adjutant-General's-office, August 24, 1833," and was signed "John Macdonald." Three sentences of that paper—the order of the general commanding in chief, to which the noble Lord referred, would show, that so far from limiting corporal punishments to three offences therein specified, they might be extended to almost any imaginable offence. To prove his position he would read the order in question to the House:

> "(Circular—confidential)
>
> "Horse Guards, August 24, 1833.
>
> "SIR,—His Majesty's Government having signified to the General commanding in chief, the King's command that, until further orders, corporal punishments may be applied to the following offences only, I have the honour to express Lord Hill's desire that you guide yourself accordingly, taking care that, except in the instances herein specified, the said punishment shall on no account be inflicted, viz.:
>
> "1. For mutiny, insubordination and violence, or using or offering violence to superior officers.
>
> "2. Drunkenness on duty.
>
> "3. Sale of, or making away with arms, ammunition, accoutrements, or necessaries, stealing from comrades, or other disgraceful conduct.
>
> "It will doubtless occur to you that the object of these instructions is not to render the infliction of corporal punishment for the future more frequent or more certain than it is at present, even in the cases to which it is now to be restricted; but, on the contrary, that the intention is to restrain it as much as it may be possible to do so, with safety to the discipline of the army.—I have the honour to be, Sir, your very obedient humble servant.
>
> "JOHN MACDONALD, Adjutant-General.
>
> "Officer commanding."

By this, corporal punishment was, it was true, limited to three descriptions of offence; but was it possible for any man to assert that in that classification every offence which a soldier could commit was not included? Take the first class of offences, "mutiny, insubordination, and violence, or using or offering violence to superior officers." Now, he asked, what was meant by the term "insubordination?" Who was to define it? Did it not, in point of fact, mean anything which any officer or any Court-martial might choose to construe it to mean? Again, take the third class, "sale of, or making away with arms, ammunion, accoutrements, or necessaries, stealing from comrades, or other disgraceful conduct." Other disgraceful conduct! Did not this, again, mean any or every offence which the English language could express? In short, he contended that, under the combined terms of "insubordination and disgraceful conduct," every offence of which a soldier could be guilty was, at the discretion of any Court-martial punishable corporally. It was on this ground he asserted that the noble Lord, in stating the extent of corporal punishment in the army to have been lately limited, had asserted what was not the fact. There was now no limitation whatever. He doubted not he could get as many, if not more officers, than had been brought into the field by the opposite side, to say with him that the order in question was a mere pretence, and that by leaving to the officers serving on Courts-martial, discretionary power, as to the interpretation of what should be deemed "insubordination," or "disgraceful conduct," had extended, instead of circumscribing, the limits to which corporal punishments had hitherto been carried. He had now a word or two to say in reference to what had fallen from the right hon. and learned the Judge Advocate. He had told him (Mr. C. Fergusson) in consequence of his having dissented from a statement of his during his speech, that he (Mr. Hume) knew nothing about the returns from the Horse Guards upon the subject of these corporal punishments. Now, with all due deference to the right hon. Gentleman, he must be permitted to say, that his information upon the subject of those returns was even better than that of the right hon. and learned Member; and further, he must tell him, that not only had he failed to quote the correct returns, but that the returns he did quote were altogether erroneous and false. It so happened that he held in his hand at that moment three returns connected with the subject, all subscribed by the Adjutant-General, which would at once prove how entirely the real nature of the case was suppressed by the Learned Judge Advocate. The first he would quote, was as follows:—The hon. Member accordingly read a

(See for Table next page.)

Return, showing the establishment of the British Army in each year, from 1825 to 1833, both years inclusive; the number of persons tried by Courts-martial in each of the said years; the number sentenced to various punishments other than corporal punishment; the number sentenced to corporal punishments; and the number on whom corporal punishment was inflicted.

"Adjutant-General's Office, 21st Feb. 1833."

Years.	Establishment of British Army.	Number tried by Courts-Martial.	Number sentenced to various Punishments other than Corporal.	Number sentenced to Corporal Punishment.	Number on whom Corporal Punishment was inflicted.
1825	98,946	4,708	2,280	2,259	1,737
1826	111,058	5,524	2,653	2,722	2,242
1827	111,107	5,340	2,541	2,632	2,291
1828	110,918	5,314	2,779	2,370	2,143
1829	103,747	4,782	2,705	1,943	1,748
1830	103,374	5,747	3,748	1,814	1,662
1831	103,413	7,370	5,497	1,611	1,477
	Total	28,553	17,270	10,370	9,321

"N.B. The above numbers do not include Courts-martial held in the undermentioned regiments, the annual returns not having yet been received from those corps abroad, viz.: In 1830—the 13th, 29th, 49th, and 98th Regiments; in 1831—the 16th Lancers, and 13th and 49th Regiments.

(Signed) "JOHN MACDONALD, A. G."

From this it appeared, that in the five years beginning in 1827, and ending in 1831, 28,553 soldiers had been tried by Courts-martial, and that of this number 17,270 had been sentenced to various punishments other than corporal; that 10,370 had been sentenced to corporal punishment, and that such punishment had been inflicted on 9,321 of this number. It further appeared from this document, that in 1825, the proportion of those on whom corporal punishment was inflicted to the entire establishment of the British army, was 1 to 57; in 1826, 1 to 49; in 1827, 1 to 48; in 1828, 1 to 51; in 1829, 1 to 59; in 1830, 1 to 62; and 1831, 1 to 70. The next return to which he would direct attention, was one dated the 26th of February, 1834. From this it appeared that the number of corporal punishments inflicted in the army in each year, from 1830 to 1833, both inclusive, was as follows:—

Years.	Number flogged.
1830	655
1831	646
1832	485
1833	370
Total	2,156

Thus there was a total of 2,156; and yet the right hon. Gentleman fixed the numbers of punishments since 1830 at 1,440. But in four years alone of that period they had amounted, as he had just shown, to 2,156; and let it not be forgotten, that he had shown the greater number to have been inflicted upon the army in Great Britain and Ireland, while it was asserted, that the lesser number comprehended the whole of the punishments inflicted upon the army at large. He had now set the Judge Advocate right on this point, and he would leave it to the House to judge between them. The House would please to observe, that the lowest proportion given by the returns was as one to seventy in the army generally; in 1825 it was one in fifty-seven; in 1826, one in forty-nine; in 1827, one in forty-eight; in 1828, one in fifty-one; in 1829, one in fifty-nine; and at present, one in seventy. As he had already said, no limitation to anything like the extent which the noble Lord had represented had taken place with respect to the infliction of corporal punishments: nevertheless, it was clear, that as the numbers declined, the discipline of the army improved. He should now, having briefly adverted to these few facts, proceed to direct the attention of the House to the question really before them, and he should begin with that most absurd argument which rested upon the alleged countenance given to military punishments by the sentences of courts of law. Why, what comparison was there between the tremendous cat, with he knew not how many tails, and the pettyfogging sentences of courts of justice, with their twelve or thirteen stripes; one lash inflicted on the soldier was worse than a whole dozen from the arm of the civil power. Let it not be supposed, that he sought to soften in the least the character of corporal punishment, even as inflicted by courts of law—quite the contrary; but he had been long enough in that House to recollect the warm praises bestowed upon punishments, then forming part of our criminal code, which had since been repealed. But now they were called atrocious though they were laudable then. He wished, therefore, to guard hon. Members from being carried away by vague and general phrases, for he hoped the day was not distant when the punishments now declared to be necessary and advantageous, and now so strenuously defended, would be denounced like the abolished portions of our criminal code as atrocious. Even now he hoped and believed, that no man with the common feelings of humanity could avoid feeling a chill at his heart when he heard of such a thing as 1,000 lashes given to one human being. No man could help feeling a chill of horror when he reflected upon such a brutal act as such treatment of the men whom he recognized as the defenders of our lives, liberties, and properties. Much importance, as it appeared to him most unduly, had been attached to the peculiar elements of which the British army was composed. What! were they sepoys, or Bengalees, or French, or Prussians—wherein did the difference consist? If any, it was in favour of the British soldiery; being, as they were, chiefly selected from amongst the agricultural labourers, whose lives were supposed to be, generally speaking, the most virtuous class of the community. For forty years of his life he had had opportunities of witnessing the effects of corporal punishment upon the mind of a soldier, and the result was, a conviction that nothing more calculated to degrade and break the spirit could be devised. It had this effect, not only on the individual punished, but on his comrades who witnessed his sufferings, and the officers who had to see it carried into execution. Nothing, he felt convinced, more disgusted an officer with his duties than the necessity they imposed upon him of carrying into effect the sentence of a Court-martial for corporal punishment; and if with no other view than to relieve that class of such an irksome duty, he would be inclined to support the motion. The learned Judge Advocate said, that although he was desirous of seeing the practice of flogging discontinued, he felt it necessary to keep the power. So did every man who used power badly. This was, however, just the kind of discretion against which he (Mr. Hume) had ever, and ever would raise his voice. To whom was the discretion confided? Why to boys of seventeen, or even under, who, for the most part, were found to concur in what they knew to be the wishes of their seniors. Would the British army, under the present system, be ever likely to fall into the ranks of citizens? Certainly not. While it continued, none but the very refuse of the land would look to the army as a profession. Supposing, by a rule of the House, Members of Parliament were placed in the situation of private soldiers, and exposed to corporal punishment for any act of insubordination or mutiny—such, for instance, as not voting with the Treasury Bench—would there be so much respectability and talent to be found entering either House? Undoubtedly not. And why should it be different in the case of the military profession? It was admitted, that the system of rewards had not been sufficiently tried in the British army, and certainly never was admission better founded. In the British army there was no prospect of advancement for the meritorious and well-conducted soldier. What was the strongest inducement with every man to enter into a profession? Was it not the prospect of advancing himself to an honourable situation in society? Was this inducement held out to the British soldier? No; he alone was, by the present constitution of the military regulations, placed without the pale of civilization. What was the principal use of the army in England? Why was it kept up? To support a certain aristocratic party solely. [*No, no!*] Hon. Gentlemen and noble Lords might cry "No, no!" but they would not alter his opinion, nor the opinion of the country. Was the hope of promotion, or the chance of obtaining rank, held out to a soldier on entering the British army? Never. There had been during the war one or two instances of a private soldier being elevated to command, but the circumstance was of most rare occurrence, and in these days was seldom or never heard of. It was said, that the army of England was not to be judged of by that of France; and the system of conscription was given as a reason why corporal punishments had been dispensed with in the latter. But was that the true cause why the French soldiers could be more trusted than the English? No. The true cause was to be found in the great chance of advancement and promotion to rank held out as rewards for good conduct. There a man might rise from the ranks to the highest military honours. In the army of Napoleon every marshal had been raised from the ranks. Was this the case in England? Out of the existing 390 English generals, how many had been raised from the ranks? Not one. It was his conviction that until the whole principles on which the army regulations were framed were altered, the British soldier would never be effectively raised from his present degraded situation. The soldier in the ranks must have a stimulus given him, by having a large portion of the commissions thrown open to him. This would at once induce persons in the rank of gentlemen to enlist in the hopes of rising. At present it was a bitter reflection upon the state of the army that, with a redundant population, such as existed in England, such difficulty in recruiting it should be experienced. All that the higher military authorities who were examined before the Committee had suggested, in the way of incitement to good behaviour in soldiers, were honorary rewards. Honorary rewards, medals, strips of white upon the collar and sleeves. Good God, what did these men expect? Did they think that such idle subterfuges as these would conceal their secret indisposition to permit the soldier to share in the honours and emoluments of his profession. Away with such idle, such shameful trifling! Why should men in the ranks be supposed to be exempt from those feelings of ambition and interest which actuated the commissioned officers? Why should mere honorary rewards be held out to them whilst their officers still retained the profit and real honour? He must contend that the report, instead of taking a bold and Statesmanlike view of the subject—instead of holding out to the House the prospect of inspiring the army with generous feelings, and instead of pointing out the way in which this might be effected, the Commissioners had confined themselves to the narrowest ground, and by this defect they had most signally failed in effecting the object for which they were nominated. He, therefore, called upon the House to reflect that whatever they did that night in the matter, ought to be justified to the army, for the people had their observation directed to their proceedings; and he could not conclude his remarks without recalling to the recollection of the House the strenuous opposition which was formerly offered to the abolition of the punishment of death, which was then going on at the rate of from sixteen to twenty a month, and which, it was said, would, if not persevered in, render life and property alike unsafe. Had such a result followed? By no means; and he confidently looked forward to the time when death should be inflicted in none but extreme cases. So in the army, he looked forward as confidently to the time when the soldier in the ranks should be treated with that justice and humanity which, to the disgrace of the Legislature, had been so long denied him.

Mr. *Cutlar Fergusson* explained: That the hon. Member for Middlesex, when he professed to correct him, had been referring to a totally different document from that which he (Mr. Fergusson) had used; his statements were therefore not misstatements though they were not the statements of the hon. Member.

Viscount *Howick* had expected that the speech of the hon. Member who had just sat down, would have attempted to meet the real difficulties of this important question; for in his evidence before the Commissioners, the hon. Member had shewn that he was not ignorant of what those difficulties really were. But he had listened in vain throughout the whole speech of the hon. Member for any attempt to deal with them or any argument in support of the motion which the House had under its consideration. The only ground which the hon. Member had laid for his vote appeared to him, to be the opinion he had expressed, that by holding out a better prospect of reward for good conduct, and particularly by opening wider the door to promotion, you might do away with the necessity of corporal punishment altogether. That was the real drift of all the hon. Member's numerous observations. On that point he could not agree with the hon. Member. He certainly admitted, that the influence of rewards in our service had not yet been sufficiently tried, and that much good would result from offering additional and stronger inducements to good conduct. But though he entertained this opinion, he could not with the hon. Member form such high expectations of the successful issue of this experiment as to suppose that it would enable them to dispense altogether with corporal punishment. When the hon. Member said, that it was merely corporal punishments and the absence of reward which deterred men of a superior class of life from entering into the army, he had failed to adduce one tittle of evidence to support this position. He believed, that when it was the practice in the army to use the lash as a punishment for what might be called faults of discipline, which even the best men might sometimes be led to commit, it might be possible that the dread of the lash would deter men of high spirit and excellent qualities from entering the service. But that system was now altered. By the existing practice of the army, the punishment of flogging was never inflicted on a soldier except for the commission of very grave and serious offences, and to him it appeared very strange that the hon. Member should assert that the power of awarding this punishment, when it was deserved was a principal cause why men of a superior class would not enlist in our army. The man of a superior rank in life, according to the theory of the hon. Member, would reason thus with himself,—" I can stand the punishment of transportation, if I should unfortunately commit an atrocious offence; I can stand the *boulet;* I can stand being shot: but I cannot make up my mind to submit to 200 lashes." He thought the hon. Gentleman could not be serious in propounding this proposition, and he was certainly drawing too largely on the credulity of the House if he intended to say that any man entered the army calculating on committing a grave offence, and speculating on the punishments of the Prussian and French armies, and on the punishment which he was likely to incur in our own for the commission of an offence. But the hon. Gentleman went on to argue thus:—" You have nominally limited the practice of corporal punishment, but not in point of fact, because you make insubordination still liable to that kind of punishment, and the word insubordination is so wide as to take in a very great number of offences." That was very true; but the hon. Member knew that it was impossible for language exactly to define cases of insubordination which could not be passed over. The same act, under different circumstances, would take an entirely different character. If a man were to refuse to obey the order of his superior officer when on parade, it would be an act of insubordination, but still it might not call for severe punishment; but if the same man were to refuse to obey the order of the same officer when in the field, in presence of the enemy, it might be a most grave offence, because it might risk the fate of a whole army. It was impossible, therefore, to define precisely what act of insubordination was dangerous and what was not. But it was now universally known to every officer in the army, that corporal punishment was not allowed, except for really grave and serious offences, and there was the clearest proof that this punishment had not been improperly used, or in a manner not strictly in conformity with the pledge given to the House. His right hon. Friend had shewn, by a comparison of the number of instances in which corporal punishment was administered some years back, and the number of cases in which it was at present inflicted, that, eight years ago, the number of corporal punishments had actually exceeded all the other punishments put together, but under the system which had followed the general order issued by Lord Hill, the number was now reduced to between one-ninth and one-tenth of the whole. This circumstance, then, afforded the clearest and most decisive proof that the general order of the Commander-in-chief, however the hon. Gentleman might complain of the vagueness of the words in which it was drawn up, had this good and satisfactory result—that it had practically restricted the application of corporal punishment to those cases in which it seemed impossible to dispense with it. He said, then, that the power of inflicting corporal punishment being thus restricted to extreme cases, it was impossible to believe that its being so possessed by commanding officers, could have the effect of excluding men of a superior class of life from entering the service. With respect to what had fallen from the hon. Member on the subject of additional rewards, and particularly promotion, as incentives to good conduct, to which he would next refer, he could assure the hon. Member and the House that the attention of the Government should be directed to that subject, and whatever could be done to increase the rewards, and apply them to the encouragement of the soldiers, should be effected. But while he said this, he was not one of those who believed that in time of peace promotion from the ranks could be used to any great extent as a reward, or have the effect which was expected from it. [*Cheers.*] He noticed that cheer, but there were two good reasons for doubting the great value of the recommendation in times of peace. The House should be aware that during the war there were a considerable number of promotions from the ranks. But in peace, what opportunity had the private soldier of acquiring distinction? He might, indeed, exhibit a steady, attentive, and orderly deportment, but after a steady service of fifteen or twenty years, would it be a good reward to that man to make him an ensign? [*Yes.*] He entirely approved of the principle of making such men officers when it was possible, but in time of peace it was next to impossible, as opportunities of obtaining distinction could not arise, and to make such men junior officers after a long period of meritorious service, leaving them at the age which they must have, by that time, attained to begin the slow career of promotion with young officers who were not raised from the ranks, when even to these the prospect of advancement is so remote, was little better than a mockery, and it could hardly be said to bear the name or the shadow of a reward. The number of commissions given without purchase in the whole British army, during the last twelve months, was only seventy-five. Now, if these were all the commissions which had been granted in an army consisting of 100,000 men, he would put it to the hon. Member, who was so distinguished for his arithmetical knowledge, whether a private soldier's chance of obtaining a commission was much better than his prospect of obtaining the 20,000*l.* prize in the lottery. To say, therefore, that the distribution of so small a number of commissions would have the effect of inducing men of better character to enter the army, and of abolishing the necessity for having recourse to the lash, showed that the hon. Member was labouring under a mere delusion. Suppose, however, that in time of peace we were to hold out to a private this very remote prospect of a commission as a reward for meritorious conduct? When would he become an ensign? At twenty-six or twenty-seven years of age? No: but after seventeen or eighteen years service, which was the period in the French army, during peace, required to enable a soldier to become an officer. But at that age he would begin at the bottom of the list of officers in the profession, for the hon. Member did not state that he would confine promotions to men taken from the ranks, and the hon. Member did not, he believed, intend to prevent the purchase of commissions. Such a man would, therefore, be at a great disadvantage in the race for promotion, and the advancement would be so very trifling that it would hardly be looked upon as a reward. The real advantages then of such a scheme must be so small that they could not be considered as a great inducement for men of a better description to enter the army. In time of war he granted the case was different, since by the rapid thinning the ranks of the army, when so many officers must necessarily fall a sacrifice, as in the time of Napoleon, and there were greater opportunities of acquiring distinction, occasions more frequently offered to promote men of merit from the ranks. But even supposing you extended promotion in time of peace to a considerable degree, that would not do away with the necessity for corporal punishment. The hon. Member seemed to forget in that House, though he did not in his evidence before the Commissioners, that the hope of reward and the fear of punishment were addressed to very different classes of men. There must be found in any considerable number of men a great many persons who could have no hope whatever of promotion, upon whose conduct little effect would be produced by merely shewing them that it was their interest to behave well. The hon. Member must have a very deficient knowledge of human nature if he had not yet learned that men acted too often from the mere impulse of their passions, and if he supposed that it was sufficient to tell them they should be rewarded to induce them to do well. In the highest ranks as in the lowest, the force of reason was of feeble influence when it came into conflict with the passions, and in all situations in life, men were daily to be found acting with the most reckless disregard to their own real and obvious interest. He would say, therefore, that even if the hon. Member could effect all the improvement he supposes possible in the composition of our army, that you would still find it absolutely necessary not only to hold out rewards as an incentive to the well-disposed and orderly soldier, but also to have sharp and stern means of controlling those who were of a different character. This, indeed, was a proposition so plain and self-evident, that it did not admit of the smallest doubt; and now he had to ask, if the means of control over the bad characters in the army were to be placed at the disposal of their officers, what was the punishment to be inflicted, for this was the real question which the House had to decide? A good deal had been said of the suffering and pain of the punishment of flogging. Why were not suffering and pain essential to the nature of all punishment? They who were desirous of abolishing the punishment of flogging were bound to show, if they could, not merely that it was painful and degrading, but that, with a less amount of pain and suffering, they could as effectually control the crimes for which flogging was at present inflicted. The efficacy of the punishment in repressing crime had not been denied, and this was a strong argument in its favour. The hon. Member for Barnstaple had moved for returns to show how often corporal punishments had been inflicted during the last five years, and the number of soldiers who had been imprisoned for military offences. He did not know whether hon. Members had looked into those returns, but it appeared to him that the result was somewhat curious. The number of soldiers who had been flogged for the last five years amounted to 1,227; those who had been flogged twice during that time were 172 in number, and the number of cases in which a soldier had been flogged a third time was thirty-two. The number of persons committed to prison within the same period was 6,571, and of these 1,790 had been imprisoned a second time, and 673 a third time. On comparing these returns the difference appeared to be this—that those who were flogged a second time bore a proportion of somewhat less than one-seventh of the number of those who had been once flogged, while the recommittals to prison were in the ratio of 1 in 3½, and the number of men who had suffered the punishment of flogging a third time was as one to forty out of the whole number, but those who had been a third time in prison were as one to ten. That statement shewed, he thought, not that this mode of punishment had the effect of reclaiming men—because when a man was thoroughly tainted, no means of punishment yet devised — not even the most improved system of secondary punishment adopted in some of the states of America was, he believed, very often sufficient to reclaim him—but it shewed, that the existing system of corporal punishment produced a very considerable effect in deterring men who had endured it from the commission of similar offences. Knowing then that this punishment was effective, were hon. Members on the other side prepared to say, what substitutes they proposed to introduce? Discharge from the army, by the general acknowledgement of the House, would not answer. If discharge were a punishment he should at once agree with hon. Members, that no other would be required. The moment any situation in life became an object of desire, then certainly the power of discharge enabled the employers to dispense with any other punishment. It was so in the Metropolitan police. He believed that the discipline of that body was most admirable; but it was maintained by and rested upon this circumstance—that dismissal from that force was a severe punishment. It appeared by the evidence of the Commissioners, that even in the last year, when the number of dismissals, from the greatly improved condition of the force, had been greatly diminished, out of a body of between 3,000 and 4,000 men, the dismissals for misconduct had exceeded 400. Some hon. Members had suggested, in their evidence before the Commissioners, the formation of penal companies. His opinion was, that any attempt of that kind must be nugatory. Hon. Members, he must suppose, since they gave their evidence before the Commission, have had the opportunity of reading the evidence also given by the French officers who were examined by that Commission; and likewise of reading the Report of the Minister of War in France, with respect to the French army, in the years 1832 and 1833. From the very detailed Reports of Marshal Soult, and of the Minister who succeeded him, it appeared that the institution of penal companies in France had proved a most decided failure; and that in the opinion of all the most eminent military men, that kind of punishment had not answered. Then hon. Members recommended solitary imprisonment. If hon. Members would read the evidence, perhaps the most instructive evidence on this subject given before the Commission—if they would read the evidence of the reverend Mr. Stuart, the clergyman of Aberdeen, they would see that this punishment had a different effect on the minds of different men, and that imprisonment and solitary confinement were not quite the panacea which hon. Members seemed to think they were, and that sometimes this punishment, which was meant in mercy, had a very different effect. They would see that solitary confinement, by way of punishment, was, not unfrequently, either nugatory, or so severe that human nature could not bear it. The punishment had sometimes no effect whatever, but, acting on a mind and temper of a very different constitution, it destroyed both mind and body, and to substitute that in the place of corporal punishment, instead of mercy, was the grossest cruelty that could be inflicted. The hon. Member did not remember, that, even in those cases in which solitary imprisonment might have a great effect upon the minds of the individuals upon whom it was inflicted, it yet failed to answer one of the main objects of punishment, by operating powerfully as an example on the minds of others. The soldier who was sentenced to solitary confinement for a term, was indeed marched off the parade in the sight of his fellow soldiers, and it might produce for the time an impression, but that impression was easily effaced from their minds, and it was found necessary in the French army to adopt some mode of punishment which would have a more direct effect, and appeal more forcibly to the senses. Accordingly, instead of solitary imprisonment, for all aggravated cases there were three classes of punishment—*travaux forcés*, the *boulet*, and the gallies. He hoped that hon. Members who intended to vote for the abolition of corporal punishment in the British army had not made up their minds to that course without fixing upon some efficient substitute. Now, what was the natnre of the punishment of the *boulet?* Soldiers were never condemned to this punishment for a shorter period than five years, and sometimes it was given for as many as ten years; they had to work ten hours a-day in summer, and something less in winter, and that exposed to the public gaze in a convict dress. Call flogging a degradation! Why the *boulet* was ten times more degrading, not merely from the sense of shame and humiliation felt at the moment, but because it was calculated to deteriorate the feelings of the man, concentrating in one spot all the bad characters in the army, and collecting, as it were in one focus, all that was infectious in morals and degrading to humanity. The suffering consequent upon the punishment of the *boulet* was then, on the whole, greater than that of flogging; the degradation was infinitely greater, and the effect it produced on others was less. This was proved by the fact that it had been found necessary to sentence not less than 400 to this punishment in one year. But even supposing that the punishments in the two armies were equally numerous, he need scarcely remind the House of what indeed every Gentleman was aware, that the French army consisted principally of conscripts. By far the larger part of the army was levied by conscription, but a portion was composed of *remplaçans* or substitutes, and it was much easier to keep an army so composed in order, than an army composed like ours. Now, this fact was an answer to the argument of the hon. Member for Middlesex, for even in such an army as the French, where there was not any hinderance to promotion, which had been spoken of as a sufficient substitute for the punishment of flogging, it was acknowledged that punishment, and that of a very severe kind, was necessary to preserve discipline. In the face of that fact, however, it was proposed to us at once to do away with that punishment which had hitherto preserved the discipline of our troops, without a suggestion of any proper and sufficient substitute for it. But if hon. Members would look more closely into the evidence, they would find that corporal punishment was not unknown in the French army. He knew that it was prohibited by the law, but if they would turn to the evidence they would find what kind of obedience was paid to it, and that, in spite of the composition of the French army, and in spite of the law, corporal punishment did exist. The privates themselves inflicted it on those who deserved it, and the punishment of the Savatte or wooden shoe, while it was an efficient means of restraining disorders was sometimes so severely applied that the victim was laid up in the hospital. When a whole company was put under restraint in consequence of the offences of one man, the soldiers revenged themselves on the individual on whose account they were made to suffer, by striking him with a shoe or slipper, and with such severity was the punishment inflicted that the man was obliged to be sent to the hospital. Moreover, it was known, that in our own army, in spite of the measures taken by the Commander-in-chief to prevent it, what were called company Courts-martial existed, and the flogging which was inflicted in pursuance of the sentence given, with the sling of the musket, not uncommonly exceeded in severity the punishment which would have been administered by the orders of a regular Court-martial. If, then, you put an end at once to corporal punishment by regular Courts-martial, he would ask whether you would not drive soldiers and privates in their own defence (for it was not merely the officers, but the soldiers, and especially the good soldiers, who suffered by the bad conduct of their comrades, and were anxious for the punishment of offenders)—would you not drive the private soldiers in their own defence, if anything like tolerable comfort was to be preserved, to take the matter into their own hands, and thus, in place of a recognized and lawful tribunal, you would set up an unrecognized and irresponsible authority, difficult to control and check? It was mentioned by Mr. Stuart in his evidence that the soldiers themselves felt the evils of this irresponsible authority. "It must, indeed, be a bad thing, (was the remark) when a punishment is inflicted, not according to the sober dictates of judgment and reason, but according to the impulse of blind and furious passion." He would next call the attention of the House to a remarkable fact, which showed the contradictory opinions expressed by some hon. Members. Of all the gentlemen examined before the Commission only two had expressed an opinion in favour of the abolition of the punishment of flogging to the extent to which the present motion went. That the hon. Member for Middlesex should take this course surprised him. One of the statements made by that hon. Member before that Commission had already been brought under the notice of the House, but as the hon. Member had not given, in the course of his speech, any explanation of that statement, nor denied its accuracy, he would take the liberty of reading it again to the House. The hon. Member for Middlesex, in answer to the following query—"You are understood to say that upon service, you still would not do away with the use of the lash?" said, "In emergencies, where men openly plunder, or violate the rules laid down, and where order must be maintained, I do not see that there are any other immediate means of checking them. I do not pretend, therefore, to say that I would do away with the power in such cases, but like the offence of stealing, the punishment, though disgraceful, would, I think, meet the approbation of the army, if thus justly administered. It must be well known to military men that the success of any enterprise in the field depends upon the following it up; and if men will disobey orders, and have recourse to plunder, success may be by that means turned to defeat, and there must be, I apprehend, the means of repressing it on the instant." He entirely concurred with the hon. Member in that statement, for this was precisely his argument. But let the hon. Member give a distinct answer to this question—how could he, holding such an opinion, bring himself to vote for the sudden and entire abolition of flogging? How could the hon. Member for Surrey, too, or any of those hon. Members who had been examined before the Commission—with the exception of the hon. Member for Hull and the gallant Officer by whom the present question had been brought on,—how could they, in the face of their own recorded opinions, give their support to a proposition for the entire and sweeping abolition of corporal punishment in the army? If they admitted that corporal punishment must be continued in time of service, they admitted all he desired them to admit—they admitted that it must remain a mode of punishment by law; for he drew the greatest possible distinction between the power of inflicting corporal punishment and its actual infliction. But if by law flogging were abolished in peace on service in England, it never could be maintained in time of war abroad. The hon. and gallant Member for Westminster indeed thought otherwise, but had met, not by any argument whatever, but only by a contemptuous assertion, that it was groundless, the opinion that if the punishment were to be by law abolished at home, it would be practically impossible to have recourse to it on service abroad. He wished that the hon. and gallant Member had adduced some reasons, instead of mere positive contradiction, against an opinion which did not seem to deserve to be thus summarily disposed of. As to active service, the gallant Officer, being on the point of taking the command of a body of men in Spain, seemed to have felt that he could not venture to condemn the use of corporal punishment, and from the statement made to the House that night, it appeared that he had practically most completely recognized its necessity. He thought, that considering the well-known anxiety of the gallant Officer to dispense with the use of the lash, his experience afforded the strongest proof that it could not be safely abolished, for though he certainly was on active service, yet it did not appear that when engaged in disciplining and organizing his legion at Bilboa or Vittoria, with no enemy immediately in presence, his situation was in reality different from what it would have been, had he been training a newly-raised regiment at Plymouth or at Cork, and the same means of restraining bad conduct seemed likely to be required in both cases. He felt this subject to be one of such paramount importance, that he could hardly look upon it with calmness, and it was his opinion that if the House rashly agreed to the motion of the hon. Member for Barnstaple, it would be for the benefit of the country to follow up that vote by passing a Bill for the disbanding of the army. The experiment which it was proposed to make appeared to him one of fearful danger, and he trusted the House would weigh well the consequences of its decision. It was confirmatory of his view that, among all the experienced officers examined before the Commission, with, as he had before observed, the exception of two, (Colonel Thompson and Major Fancourt) a unanimous opinion prevailed as to the necessity of maintaining corporal punishment to a greater or less extent. There were, indeed, some other officers whose opinions had been quoted, but he denied that they made against him in reality. Sir J. Woodford's evidence had been relied on by those who were favourable to the abolition of flogging, but that officer's opinion only went to this extent—that he would not inflict corporal punishment upon home service for military offences committed under ordinary circumstances. No more would he (Lord Howick), and there was no difference between what he and what Sir J. Woodford proposed, except that Sir J. Woodford drew out a plan, not for the abolition of corporal punishment, but for securing its more speedy and summary execution. Another authority that had been cited was Sir O. Carey, but he thought hon. Members ought not too hastily to adopt it as bearing out the present motion. He would read to the House one or two answers given by Sir Octavius Carey to questions put to him. That gentleman had commanded the 57th regiment from the year 1818 to the year 1828; and being asked whether, during the time he commanded the 57th regiment, he endeavoured to obviate the necessity of corporal punishment? he replied, "Yes, I did. I gave a good deal of attention to that, and succeeded in obviating it in a great measure, but not entirely; because there were a few instances in which there was punishment. I made a point to persuade the men as far as possible that I would not punish. The men always knew that I had the power of punishment; but the general principle on which I endeavoured to maintain discipline was, as much as possible to persuade them that I would not punish—that I did not like the punishment." Such was the feeling, he (Lord Howick) believed, of every officer in the British army. As, however, a great deal of weight had been attached to Sir Octavius Carey's opinion in favour of the abolition of corporal punishment, he begged to call the attention of the House to a statement of the number of Courts-martial held in the 57th Regiment for four months, while under the command of that officer. The statement did not apply to the time when the gallant officer first assumed the command, and when it might be supposed that rigour and severity were found necessary to remove the effects of previous want of discipline, but to a period when nearly half the term during which he commanded the 57th had expired. The noble Lord read the following return of the amount of corporal punishment inflicted on the soldiers of the 57th regiment, from November 1822, to March 1823:—

Date.	Sentence.	Inflicted.
November 2, 1822	300 lashes	300
— 8,	300	300
— 28,	300	250
— 30,	300	300
December 2,	300	300
— 20,	300	300
January 28, 1823	600	none.
Ditto,	800	800
February 12,	300	300
In the same month two more Courts-martial; sentence in each case	300	300
March 1,	300	300

Thus it would be seen that, during those months, no less than eleven sentences were carried into execution and the amount of punishment ordered to be inflicted by the different Courts-martial, and actually inflicted under the immediate orders of an officer who described himself as so averse to it, greatly exceeded what the Government proposed as the maximum of corporal punishment in future. Sir Octavius Carey was a gentleman whose evidence for the abolition of corporal punishment had been greatly relied on: but it was often said, that practice was better than precept, and Sir Octavius Carey's practice was certainly not in favour of that which he recommended. It had been observed, however, that until a very recent period, too great a number of lashes used to be inflicted at one time in the army. He concurred in that statement, and he believed, that there never was a greater mistake than to multiply as was formerly the practice, the number of lashes. He believed, that if this subject had been properly dealt with some years ago, the feeling which now prevailed in the country with regard to it would never have existed. But because great mistakes had been heretofore committed in one way, let not the House now plunge into errors of an opposite description, and with regard to a subject of such great importance as the present, legislate merely on the impulse of feeling, without considering the probable practical consequences of the proceeding which had that night been recommended. He agreed with his noble Friend opposite in thinking, that if the punishment of flogging was to be abolished, the only mode of getting rid of it was by letting it drop gradually into disuse, and thus practically getting rid of it before it should be formally prohibited by law. He was most anxious that, while the power should be continued, every effort should be made to diminish the necessity of exercising it and he should rejoice if the practice of which they so much complained should gradually disappear. The hon. Member for Middlesex had manfully declared it to be false that there was any readiness on the part of the British officer to inflict corporal punishment. He said truly, that the officers were always reluctant to have recourse to it, and that there was nothing but necessity, in the very last extremities, which could drive them to it. The only safe mode then was, to leave the power in the hands of those who now exercised it, instructing them to diminish the use of it, until the practice went out of itself; hon. Members must remember, that there was a great difference between the practice and the power — the power to do a thing was often the most effectual when it was never used at all. Let him refer hon. Members to what took place under the Duke of Wellington in Spain. At the commencement of the campaign the punishment was inflicted to a considerable extent; but, by the use of it, the army was brought to such a state of discipline that, towards the close of the Peninsular campaigns, the use of it was scarcely necessary—the knowledge that it existed was almost enough to render its application unnecessary. But let it not be said, because it was not used, it was not wanted. Take away the power of using it, and you break the main-spring of the machine. He must, on the whole, give a decided resistance to the motion, and he believed the House would approve of his view. It was a subject of great difficulty; it was one on which every effort had been made to create a feeling, by appealing to passion rather than to reason; but in spite of all such efforts, he believed the House would exercise its cool and dispassionate judgment. He could not but complain of one observation of the hon. Member for Middlesex. The hon. Member had spoken of the motives of the Ministry; what motives could they have in opposing this motion? Was he not aware that, as a party, if they consulted their own interest, they would have the strongest reason for endeavouring to get rid of the punishment altogether? So much, indeed, was this the case, that nothing but an overwhelming sense of the danger arising from its removal could prevent them from effecting it. Let hon. Gentlemen, however, give to the subject that dispassionate judgment which it required, and he could have no apprehension of the result.

Mr. *Robinson:* Sir, I apprehend that a vote of this House, abolishing military flogging in time of peace, would not necessarily imply the propriety of its abolition before the enemy in time of war. Let us then examine whether by voting for the resolution of the hon. and gallant Member for Barnstaple, as I intend to do, we are committed in respect to the necessity for taking away the power of inflicting that punishment in time of war. I admit that, looking at the words of the resolution itself, it would appear that that power is to be taken away both during war and peace; but every body knows that if the majority of this House declare their disapprobation of military flogging, by carrying the resolution of the hon. and gallant Member for Barnstaple, it must necessarily lead to an alteration in the Mutiny Act; and then we shall have an opportunity, in considering the terms of that alteration, for deciding whether or not it is fit and proper that the power of military flogging should be preserved in time of war. Therefore, Sir, I am prepared to vote, notwithstanding all that has been said against the motion, and I admit that much has been said, coming as it did from professional Gentlemen, who are better qualified for giving an opinion upon the subject than I can be, which was entitled to great attention. I am prepared, I say, to vote in favour of this resolution; for I cannot conceive where that danger is to be apprehended about which we have heard so much, from affirming, by a vote of this House, the propriety of the abolition of military flogging in time of war. The noble Lord, the Secretary at War, who has spoken as he always does with great ability, and has adduced every argument that can possibly be brought forward in support of the present system,—that noble Lord has given us no reason to hope that if this resolution be rejected he contemplates the abolition of military flogging in this country. He has frankly and freely avowed that the only hope he can hold out is, that by adopting a better system of rewards, (which I do believe the Government, and every officer in the army are as anxious as any Member of this House to introduce) we may, perhaps, in time be able to do without this punishment. But, Sir, I do believe that this country is decided in its opinion upon this question; and that it is incumbent upon Parliament in time of peace, when I for one cannot see any possibility of danger resulting from such an experiment. I think Parliament is called upon to express its opinion upon this subject by affirming the resolution of the hon. and gallant Member for Barnstaple. It may be said, I know, that by affirming that resolution we shall abolish this species of military punishment, and we shall not be able when it shall become necessary to have recourse to it again. Sir, this was one of the arguments used by the noble Lord, the Secretary at War, and I think I may apply to him in this instance the same observation which he applied to the hon. Member for Middlesex: viz., that he has brought forward an assertion without adducing any one argument in support of his proposition. Why shall we not be able to resort to this punishment again if necessary? Would not the very persons now voting for its abolition, from a sincere conviction that it may be dispensed with,—would not they concur with Government in re-enacting this kind of punishment in the Mutiny Act if it should afterwards be found necessary? Sir, I believe they would; I r one should feel bound to take that course. Sir, I will detain the House no longer, there being many Gentlemen anxious to rise who are better qualified than I am for delivering an opinion upon this subject; I only, in conclusion, wish to say:—my belief that corporal punishment may be dispensed with at home in time of peace, (for I go no farther than that,) is founded upon this conviction—that by a more improved system of recruiting, avoiding those desperate and abandoned characters that now find admission into the army, by a better system of rewards, and by holding out inducements to young men of good character to enter the army, (against whose entrance into the army let it be remembered the present degrading punishment forms the greatest barrier) I do believe, Sir, that the power of military flogging in time of peace may be removed; not only without prejudice to the discipline of the army, but to the great improvement of that gallant profession and with the greatest advantage to the country at large. I shall cordially support the motion of the hon. and gallant Member for Barnstaple.

Major *Beauclerk* said, the question of corporal punishment in the army had for a long time occupied a great deal of his attention; and he was now happy to find that it was no longer regarded in that

House as a party question. His own conviction upon the subject was, that the abolition of the practice would not only be useful to the service, but would wipe away from the army that disgrace which at present prevented honourable and high spirited men from entering it. There was one expression in the evidence of the Duke of Wellington before the Commission, which had excited in his mind more astonishment than anything he had ever heard from the lips of any military man. When the noble Duke stated that flogging was not looked upon by the army as a disgrace, he made an assertion which it would be presumption in him (Major Beauclerk) to refute, because he was convinced that every man who had a particle of right feeling in his breast must be aware that such a mode of punishment could not be regarded by the army in any other light than that of a deep disgrace. To show the possibility of its abolition, he need only refer to the course adopted by a noble Lord, now a Member of that House, and who was distinguished alike for the excellent qualities of his heart and head—he alluded to that eminent nobleman who had ruled the native army of India without the lash, and governed the mighty empire of the East without shackling the press. If the practice could be safely abolished in barbarian India, what pretence could there possibly be for saying that there was a necessity for its continuance here? They must indeed alter their system, and hold out encouragements to enter the army. They would then find well-educated young men, men of respectable family, ready enough to enter it. He often witnessed in country towns and villages the horrors in which flogging was held. He was himself once assailed by a mob on account of flogging, and let those who doubted its effect, send a recruiting serjeant with a cat-o'-nine tails for his banner, and see how many recruits he would obtain.

Sir *Henry Hardinge*, before he addressed a few observations to the House on the subject which at present engaged his attention, must express his disappointment that the hon. and gallant Member who had just sat down did not intend to vote with the noble Lord, the Secretary at War, because in the evidence given by the hon. and gallant Member before the Commissioners, he had distinctly stated he ever had maintained, and ever must maintain, that it would not be possible to dispense with the power of corporal punishment.

Major *Beauclerk* begged to set the right hon. and gallant Member right. He had stated before the Commissioners that corporal punishment might be necessary in time of war, and he said so still.

Sir *Henry Hardinge* did not pretend to quote the exact words of the hon. and gallant Member, because at the moment he had not them before him. On turning to the Report, however, he found that, in answer to question 782, the hon. and gallant Member had said, "I have never maintained that on service it could be done away with. I think it stands to reason that the officers must then have additional powers." He would appeal to the House, without wishing at all to take an unfair advantage of the hon. and gallant Member, whether it was possible for any man reading that sentence to come to any other conclusion than that which he had expressed? The hon. and gallant Officer had alluded to a noble Lord who had lately held a high military and civil station in India, and who had taken upon himself a step of the highest responsibility in the abolition of military punishments amongst the native troops in that country. If that noble Lord (Lord W. Bentinck) were then in his place, he was convinced, from what he had perused of the noble Lord's sentiments on this subject, he would agree with him and the hon. and gallant Member for Surrey, in asserting, that corporal punishments could not be done away with on service in the field. He repeated that, with the exception of the hon. and gallant Member for Barnstaple and the hon. and gallant Member for Hull, every Member on both sides of the House who had been examined before the Commissioners had given it as their opinion, that it was impossible to dispense with corporal punishments on service without endangering the efficiency of the army. Nothing could be more distinct than the evidence on this point of the hon. Member for Middlesex. Nothing could be more clear than the evidence of the noble Lord to whom allusion had so often been made in the course of the present debate (Lord W. Bentinck); in short, the evidence generally went to show, that to deprive a commanding officer of the power of inflicting corporal punishment would be to render it impossible to conduct an army on service with success. What was the opinion of an hon. and gallant Member of the House, not now in his place (Colonel Evans), on this point? That hon. and gallant Member had most distinctly stated before the Commissioners, his impression that the power could not be dispensed with. The evidence that gallant Officer had given was marked and characterized by great modesty and diffidence in the line he took, but it was the narrowest line that man ever took in dealing with a question of this kind. The hon. and gallant Member for Westminster said before the Commissioners, "I am for the abolition of corporal punishments at home, not because it is cruel and severe, but because it had not in practice had the effect which we expected, and because it tends to irritate the public mind, and on that ground ought not to be continued." But what said the hon. and gallant Officer when he got abroad? Why, that the power of inflicting corporal punishment was necessary abroad, and that, in his opinion, a commander-in-chief of an army in the field ought to be a dictator. He must say, that since the hon. and gallant Member had been abroad, he did not believe that any British force ever left the shores of this country in which corporal punishment had been carried to the extent which it had been in the army under the command of the hon. and gallant Member for Westminster.

Major *Beauclerk* rose to order. As the hon. and gallant Member spoken of was not in his place, he appealed to the House whether it was fair to pursue the course now followed by the right hon. and gallant Gentleman.

Sir *Henry Hardinge:* The hon. and gallant Gentleman had interrupted him prematurely, and should have allowed him to have concluded the sentence. He, however, would repeat, that the hon. and gallant Member for Westminster had carried corporal punishments to an extent never before known in any British force that ever left the shores of this country, and, when interrupted, he was going to add, that the peculiar circumstances of the corps under his command probably justified the course which that hon. and gallant Officer had pursued, for he (Sir H. Hardinge) found from the evidence of Colonel Dickson, who had lately returned from that service, and been examined before the Commissioners, that it was absolutely necessary to apply corporal punishment, in consequence of the men having been brought together in so sudden a manner, and without an ordinary time allowed for discipline. Another witness, who had also served under Colonel Evans, had informed the Commissioners that it had the effect of reclaiming and bringing to a sense of duty, some of the most desperate and incorrigible men in that force. If the hon. and gallant Member had been a little less impatient, he would have heard him declare that, if from the circumstances in which the hon. and gallant Member for Westminster was placed, he had come from the theory of abolition to the practice of very numerous inflictions, he thought the hon. and gallant Member was perfectly justified, and that no blame could attach to him. In this force it had been found necessary to have recourse to the Provost without the interference of a Court-martial. If, when the troops were drawn out, any men were found dirty, they were at once taken out of the ranks and flogged by the Provost. Such a power as this was never exercised by the Duke of Wellington; but the House ought to make allowance for the position of the hon. and gallant Officer, and consider the many circumstances which could be adduced to justify the course which he had pursued. He would, however, honestly say, that in his experience he had never before known of such numerous floggings applied for offences which, in the British army, would have been punished by Court-martial, and not by the Provost. Many observations had been made on the evidence of another officer, Sir Octavius Carey, who commanded the 57th regiment. He would confess that he had never been more astonished than when he read the evidence of that gallant Officer. He would also confess, that to his comprehension it was perfectly unintelligible, and that he could not at all make out that gallant Officer's system of discipline. He thought, however, that he had some knowledge of the discipline of that regiment. Thirty years ago, he (Sir H. Hardinge) was a captain in the 57th regiment, and a few years afterwards, from the circumstance of his having gone abroad on the staff, but being still a captain in that regiment, he, of course, had opportunities of knowing the materials of which the regiment was composed. The regiment was recruited in the neighbourhood of London, and at a time when it was impossible to make a selection of men. It then being war time, Government was glad to get soldiers, and he would fairly state, that the men of this regiment, though they were physically well adapted to make good soldiers, were, in point of character, not what any officer would select to command. He saw this regiment going into action at the battle of Albuera, and never did he see men, under circumstances of such peril and danger, conduct themselves with more bravery or heroism. They, nevertheless, were so thoughtless, and so fond of plunder, as to require the frequent operations of the Provost-Martial, and so general and frequent were the punishments in that regiment, that in Portugal they went by, and were known under, the nick-name of the "steel-backs." The regiment went into action, and he would state what the result of the action was. The regiment had twenty-five officers. Of these, twenty-three were either killed or wounded; and of its complement of about 520 men, 387 were killed or wounded. Lord Beresford, in his despatch, giving a detail of the action, said, that it was observed that all the men, particularly the 57th regiment, fell in their ranks as they fought, and that every wound was in front. This was not a regiment of high moral character; but he would say, that if in the course of the campaign it had been necessary to undertake any difficult and serious enterprise, there was no regiment in which he would have felt greater confidence than the 57th regiment. Sir Octavius Carey commanded the regiment in 1824, for a period of three or four years and he stated in his evidence, that it was reported to the Adjutant-General to be in a most excellent condition. It was shortly afterwards sent out to New South Wales, and when it arrived there, the men in some instances self-mutilated themselves, or committed thefts, in order to be discharged. He should, therefore, infer from these circumstances, that the system of Sir Octavius Carey had failed most egregiously in the 57th regiment. By referring to this regiment, he did not wish it to be understood that he maintained, that irregular habits tended to render soldiers braver in the field. He had cited this case in reply to the observations of those who contended that corporal punishment must of necessity degrade the character of a man. He could cite many other instances to prove that corporal punishment was not attended by any such debasing effect. At the same time, though he desired to see corporal punishments practically abolished, he thought it would be unwise to deprive officers of the power of inflicting it. Now, with regard to the English army in Spain. In the year 1810, the Duke of Wellington found the army in a very disorganized state; several of the battalions were so ill-disciplined that the Duke of Wellington was obliged to make a report to the Adjutant-General upon the subject. [The hon. and gallant Member read extracts from his Grace's report, showing the disorganised state of the army at the period in question.] What measures did the Duke of Wellington take to reduce the army to a proper state of discipline? He had recourse to the Provost-Martial—he punished severely, and in a few instances death was inflicted. But what was the result of this system? The Duke of Wellington brought the army to that state of discipline which he described in his evidence before the Commissioners. His Grace said, "My army was in such a state of discipline, order, and regularity, when I crossed the Pyrenees, that I always thought I could have gone anywhere and done anything with that army. It was impossible to have a machine more highly mounted, or in better order, and in a better state of discipline, than that army was. When I quitted that army upon the Garonne, I do not think it possible to see anything in a higher state of discipline, and I believe there was a total discontinuance of all punishment." General Fane, who commanded two columns of cavalry, having in charge the materiel of the army, said, that the conduct of the troops gave such satisfaction, that even the French Government expressed its approbation of their conduct. If he was to go into any further details, he should refer to the evidence of Sir J. Woodford and other officers in the Foot-Guards; but he would not. It was his opinion that corporal punishments ought to be retained, to be held in terror over the bad—they were not requisite for the good. What said Lord Loughborough, a distinguished officer, who had long kept the regiment under his command in a high state of discipline, when asked if he had had any means of ascertaining whether there was any feeling in his regiment on the subject of the abolition of military punishment? The noble and gallant Lord's reply was, "that so far as he had ascertained it from his regimental sergeant-major, and the non-commissioned officers, and some of the old men, they were all against the abolition, because they all say 'a blackguard deserves it, and it can never affect us as long as we conduct ourselves well.'" The noble Lord also stated, that he had six men who had suffered corporal punishment at different times—one as many as four times, who had been promoted. He added, that he had now one man who had been a corporal; he had been flogged three times, and was one of the best corporals in the regiment. He had other men, too, who had been flogged, and were now men of the greatest trust in the regiment. He mentioned these cases to show that corporal punishment did reclaim and reform men, and was as efficient as any punishment employed. The hon. and gallant Member also referred to the evidence of Colonel Ferguson on this point, to the same effect. From these circumstances he was led to the conclusion, that though, in a large proportion of cases, corporal punishment did harm, and that it did not reclaim numbers, yet that it had not an opposite tendency, and though he was not an advocate for its continuance, he thought to abolish it would be virtually to disband the army. The hon. Member for Chippenham had referred to his (Sir Henry Hardinge's) evidence with respect to the Prussian army. It was true, that in that army soldiers of the second class were liable to be punished by lashes, or blows with a cane, and this power was vested in the captains of companies. He, whilst Secretary at War, had inserted an article of war, declaring, that if any officer struck a soldier, he was liable to be brought to a Court-martial and cashiered. It was impossible for any two armies to be more distinct than the English and the Prussian armies in their constitution and materials, and it was totally impossible to institute any comparison between them. He should say the same of the French army. The English army was now in the highest state of discipline, and he thought that it would be the height of madness to alter a system which had been found so successful. The hon. Member for Middlesex had stated, that the rewards for the army ought to be increased. He entirely concurred in that view, and in the opinion expressed by the noble Lord opposite (Lord Howick) to the same effect, and it had been his intention to increase them, and he believed it was known that the Government to which he had belonged, did establish the distribution of a certain number of medals in each battalion in the service among the non-commissioned officers and privates, thus carrying into effect, the very thing pointed at by Colonel Evans in his evidence, as being desirable, in order to enable a man retiring from the service to his parish to show it as a certificate of good conduct, and of the approbation of his superiors. But with regard to the plans suggested by the hon. Member for Middlesex, namely, the conferring commissions as a reward, he must have proved, before its adoption, that a description of men could be found to enter the service who were fitted for commissions, if they by their good conduct deserved it. This was important to be known before this species of reward ought to be attempted; for by the evidence of the reverend Mr. Stuart, of Aberdeen, it appeared that he, the chaplain, had conversed frequently with men on the subject of admitting men of their own rank as members of Courts-martial, and they seemed to have more confidence in their officers. Non-commissioned officers, they said, raised to commissions, generally were the most tyrannical and ill to please, and that the real gentleman was the best officer. He was of opinion, that the arguments of the noble Lord, the Secretary at War, and of the right hon. Gentleman, the Judge-Advocate, were conclusive as to the impossibility of having two systems of punishment—one for foreign, and the other, for home service. Those arguments had served to strengthen his own opinions on that point—a point upon which his mind had long been made up, as he had detailed in his evidence. There was only one point of the speech of the noble Lord opposite (Lord Howick) to which he felt it necessary to advert. The noble Lord had stated, that if six or seven years ago, the same care had been taken which had lately been bestowed upon this subject, the question would not now come before the House under such difficult circumstances. If the noble Lord meant to say, that this attention to the matter had only been commenced since the right hon. and hon. Gentlemen opposite had undertaken the Government of the country, from that he begged most entirely to dissent. He came into the office of Secretary at War in 1828, and in the year 1829, he revised the whole Mutiny Act as well as the Articles of War. He consolidated both, and in cases of punishment, the number of lashes was restricted, and the whole military code was altered and amended by him. If, therefore, blame was to be attached to previous Secretaries at War, it properly belonged to a noble Lord, now a Minister of the Crown, who was for eighteen or nineteen years Secretary at War, and whom he (Sir Henry Hardinge) succeeded in that office—Lord Palmerston. He did not mention this invidiously, for, on the contrary, he would say of the noble Lord, though differing from his present political sentiments, that he (Sir Henry Hardinge) had, on succeeding him in office, found there traces of many steps taken by the noble Lord towards the improvement of the service. In conclusion, he would merely state, that it appeared, from the evidence contained in the report of the Commissioners now on the Table, that by almost every officer examined, amounting in number to between seventy and eighty, the most unequivocal testimony was afforded of the necessity of maintaining corporal punishments. This view was supported by the reverend Mr. Stuart, Mr. Agar, and other civilians, who had been called before the Commissioners. If that were the fact, he would ask, how could any man in the face of such testimony come to the conclusion, that it was possible to do without it? He thought that it would be most unwise to alter the present system. It was very well known as a matter of history that the present military system had been the most successful one ever adopted. But he would ask this question, was England a military nation? He (Sir Henry Hardinge) would say, that it was not; that the feeling of the people was decidedly against keeping up a large military force; but, in spite of all these obstacles, he would say, that from the days of Wolfe in Canada, Clive in India, Abercrombie in Egypt, and Wellington in Spain and Portugal, the British army had carried with honour his Majesty's arms into every quarter of the globe—that in peace it had been subordinate to the civil power—and that, in short, in pliability to all the duties of an army, it had never been exceeded. If the British army really possessed these qualities, he would entreat the House not to be so impolitic—not to be so unwise—as to take steps to alter the existing system. He certainly should support the view taken by the noble Lord opposite, and whilst he thought it expedient to retain this power, he hoped that it would be used as seldom and as mercifully as possible.

Viscount *Howick*, in explanation, said, he meant to cast no imputation on the previous Governments for not having sooner regarded this matter with a view to alteration; he fully admitted and appreciated the valuable efforts of the right hon. and gallant Gentleman to improve the system in the army, nor could he forget that neither he nor his noble Friend could, as Secretaries at War, have interfered. He (Lord Howick) had alluded to the number of lashes formerly inflicted, and he thought that 800 lashes was a punishment which never ought to have been carried into effect.

Sir *H. Hardinge* said, that in 1829 or 1830 there had been an alteration made by him in the military code to that effect.

Sir *Edward Codrington* wished to correct an erroneous impression which might have been made by the statement of the hon. and gallant Member for Hull, that the mutiny at the Nore was to be attributed to the severity of flogging in the fleet. Such was not the case; for he (Sir E. Codrington) would venture to say, that the mutiny at the Nore arose from want of punishment. He had served on board the ship in which it first broke out, and had himself told a person in very high authority, that such would be the case unless the bad men were punished and the good men encouraged. The mutiny arose from the confinement consequent upon impressment and from the want of discipline being established by punishment.

Colonel *Thomas* said, he had been in command of a regiment in India for eight years, and had been obliged to have recourse to punishments of unusual severity; but, in the course of two years there was less corporal punishment in his regiment than in that of any in the army. This showed that flogging might be done away with to a very great extent; but still the power must exist. He had substituted extraordinary drills from day light in the morning till sunset at night. These substitutions were so disliked, that some of the soldiers wished for flogging to be restored.

Sir *Ronald Ferguson* said, that having been in the army upwards of forty years, he did not like to give a silent vote on this occasion. There was no man in that House or in the country who was more hostile to corporal punishment than he was, and he had always discouraged it as much as it was in his power. But when he was called upon to do away with corporal punishment altogether, and to put the army on an entirely new system, he owned that it was impossible for him to assent to the motion. Although he wished to pay every attention to the wishes of his constituents, yet, as a free agent, he felt bound to express his opinion on the subject. He had no hesitation in saying, that from his experience in the army, it was impossible to do without some system of corporal punishment. The less the better, but it must remain to a certain extent, that it might be used in cases of emergency. In this country discipline might be carried on without the use of the lash, but still some other punishment must be substituted for it. He believed, and it was admitted on all sides, that the expense of trying a change of system of imprisonment would be very trifling, but although much had long been promised, little or nothing had been done on the subject.

Dr. *Baldwin* had before voted against military torture, and he should do so now, were he to follow the impulse of his feelings; but he had a public duty to discharge, and he felt that he should not be discharging that duty conscientiously were he now to vote for the immediate abolition of corporal punishment in spite of the opinion of so many high military authorities, that the abolition must be gradual.

Colonel *Sibthorp* said, that he had had several years experience in the service, and therefore felt himself justified in expressing his opinion on the subject; and, above all, as his sentiments had been misrepresented. He contended that they must continue the practice of corporal punishment in the army, but he had not the least hesitation in saying, that except in cases of absolute necessity it ought not to be exercised. Some language had been put into his mouth on the subject, which was very different from any thing that he had uttered. He was happy to find that he was supported in the opinion which he entertained by several very distinguished officers, of much greater experience than himself.

The House divided on the original question, that the Speaker do leave the Chair. Ayes 212; Noes 95:—Majority 117.

List of the AYES.

Adam, Admiral
Alsager, Richard
Alston, R.
Andover, Lord
Angerstein, John
Anson, G.
Anson, Sir George
Arbuthnot, Hon. H.
Archdall, M.
Ashley, Lord
Baillie, Col. H.
Baldwin, Dr.
Balfour, T.
Baring, F. T.
Baring, F.
Baring, W. B.
Baring, Thomas
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Bentinck, Lord W.
Beresford, Sir J. P.
Berkeley, Hon. F.
Berkeley, Hon. C.
Blackburne, John
Blackstone, W. S.
Bonham, F. R.
Bradshaw, J.
Bramston, T. W.
Bruce, C. L. C.
Brudenell, Lord
Buller, Sir J. Y.
Burdon, W.
Burrell, Sir C. M., Bt.
Burton, Henry
Byng, George
Byng, G. S.
Calcraft, J. H.
Campbell, Sir J.
Campbell, W. F.
Canning, Sir S.
Cavendish, Hon. G. H.
Chandos, Marq. of
Chaplin, Thos.
Clerk, Sir G.
Clive, Hon. R. H.
Codrington, Sir E.
Colborne, N. W. R.
Coote, Sir C. C., Bt.
Corry, Hon. H. T. L.
Cowper, Hon. W. F.
Crawford, W.
Crompton, Samuel
Curteis, Edward B.
Dalbiac, Sir C.
Dalmeney, Lord
Damer, D.
Darlington, Earl of
Dick, Quintin
Donkin, Sir R. S.
Dugdale, W. S.
Dundas, Hon. J. C.
Dundas, Hon. T.
Dundas, J.
Dunlop, J.
East, James Buller
Eastnor, Viscount
Eaton, Richard J.
Egerton, Sir P.
Elley, Sir J.
Fazakerley, N.
Ferguson, Sir R.
Ferguson, R. C.
Finch, George
Fitzgibbon, Hon. B.
Fitzroy, Lord C.
Follett, Sir W. Webb
Forester, Hon. G. C. W.
Forster, Charles S.
Fremantle, Sir T. W.
Gladstone, Thos.
Gladstone, W. E.
Goodricke, Sir F.
Gordon, Robert
Gordon, W.
Goulburn, Rt. Hon. H.
Goulburn, Sergeant
Graham, Sir J.
Greisley, Sir R.
Grey, Sir G.
Grimston, Viscount
Grimston, Hon. E. H.
Hamilton, Lord C.
Hanmer, Sir J., Bt.
Harcourt, G.
Hardinge, Sir H.
Hay, Sir J., Bart.
Hay, Sir A. L.
Henniker, Lord
Herbert, Hon. Sidney
Herries, Rt. Hon. J. C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hogg, James Weir
Hope, Hon. James
Hotham, Lord
Howard, R.
Howick, Lord
Jermyn, Earl of
Inglis, Sir R. H., Bt.
Johnstone, Sir J.
Jones, Wilson
Jones, Theobald
Knight, H. G.
Knightley, Sir C.
Labouchere, H.
Lambton, Hedworth
Langton, Wm. Gore
Law, Hon. C.
Lees, J. F.
Lefevre, Charles S.
Lennox, Lord G.
Lennox, Lord A.
Lewis, David
Lincoln, Earl of
Long, Walter
Lowther, J.
Lygon, Hon. Col. H. B.
Mackinnon, W. A.
Mahon, Lord
Mangles, J.
Manners, Lord C.
Marjoribanks, S.
Maule, Hon. F.
Methuen, P.
Morpeth, Lord
Murray, Rt. Hon. J.
Neeld, Joseph
Nicholl, J.
Norreys, Lord
O'Ferrall, R. M.
Packe, C. W.
Paget, Frederick
Palmer, Robert
Parnell, Sir H.
Patten, John Wilson
Peel, Sir R., Bart.
Peel, Rt. Hon. W. Y.
Pelham, Hon. C.
Pemberton, Thomas

Pigott, Robert
Pinney, W.
Polhill, Frederick
Pollock, Sir Fred.
Powell, Colonel
Poyntz, Wm. Stephen
Praed, Winthrop M.
Price, S. G.
Ramsbottom, John
Reid, Sir J. Rae
Rice, Rt. Hon. T. S.
Rickford, W.
Robarts, Abraham W.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, R.
Russell, Lord John
Sanderson, R.
Sandon, Lord
Scarlett, Hon. R.
Scott, Sir E. D.
Scrope, George P.
Seymour, Lord
Sharpe, General
Sibthorp, Col.
Smith, J. A.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Steuart, R.
Stewart, Sir M. S., Bt.
Stormont, Lord
Stuart, Lord D.
Stuart, Lord J.
Surrey, Lord
Talbot, C. R. M.
Tancred, H. W.
Thomas, Colonel
Thomson, C. P.
Thompson, Paul B.
Townley, R. G.
Trevor, Hon. G. R.
Trowbridge, Sir E. T
Twiss, H.
Vere, Sir C.
Vesey, Hon. T.
Vivian, J. H.
Vivian, John Ennis
Vyvyan, Sir R. R.
Wall, Charles Baring
Welby, G. E.
Westenra, H. R.
Weyland, Richard
Wilbraham, Hn. R.
Wilkins, W.
Williams, Robt.
Wilson, Henry
Wodehouse, E.
Wood, C.
Wynn, Rt. Hon. C.W.
Yorke, E. T.
Young, G. F.

TELLERS.

Stanley, E. J.
Smith, Robert V.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Attwood, T.
Bagshaw, John
Baines, E.
Barclay, David
Barnard, E. G.
Beauclerk, Major
Bish, Thomas
Bowes, John
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Bulwer, Edw. G. E. L.
Butler, Hon. Col,
Buxton, F.
Chichester, J. P. B.
Clay, W.
Conyngham, Lord A.
Divett, E.
Duncombe, T. S.
Elphinstone, H.
Etwall, Ralph
Evans, G.
Ewart, W.
Ferguson, Robert
Gaskell, Daniel
Goring, Harry Dent
Grote, George
Hastie, A.
Hawes, Benjamin
Hawkins, J. H.
Hector, C. J.
Hodges, T.
Holland, Edward
Horsman, E.
Hughes, Hughes
Hume, J.
Hutt, W.
Jervis, John
Johnston, Andrew
Kemp, T. R.
Leader, J. T.
Lennard, T. B.
Lushington, Dr. S.
Lushington, Charles
Lynch, A. H.
Macnamara, Major
Marshall, William
Maxwell, John
Molesworth, Sir W.
Morrison, J.
O'Brien, Cornelius
O'Brien, W. S.
O'Connell, Daniel
O'Connell, John
O'Connell, Maurice
O'Connell, Morgan
Pattison, James
Pease, J.
Plumptre, John P.
Poulter, J. S.
Rippon, Cuthbert
Robinson, G.
Roche, W.
Roebuck, John A.
Rundle, John
Russell, Lord
Sandford, E. A.
Scholefield, Joshua
Sinclair, Sir G.
Smith, Benjamin
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Tennent, J. E.
Thompson, Wm.
Thompson, Col. T. P.
Thorneley, T.
Tooke, William
Trelawney, Sir W.
Trevor, Hon. Arthur
Tulk, C. A.
Villiers, Charles P.
Wakley, T.
Warburton, H.
Whalley, Sir S.
Wigney, Isaac N.
Wilks, John
Williams, W.
Williams, Sir J.
Wilmot, Sir J. E., Bt.
Wood, Alderman

TELLERS.

Fancourt, C. St. John
Boldero, Henry G.

The House went into Committee on the Bill, and resumed.

* * *

HOUSE OF LORDS,

Thursday, April 14, 1836.

MINUTES.] Petitions presented. By H. R. H. the Duke of CUMBERLAND, from the Corporation of Dublin, against the Municipal Corporations' Bill.—By the Bishop of LONDON, from Bury St. Edmund's, against the Punishment of Death for any Crime but Murder.—By the Earl of BEAUCHAMP, from the Magistrates of Worcester, against the Prisoner's Counsel Bill.—By the Duke of LEINSTER, from the Inhabitants of Dublin, in favour of the Municipal Corporations' Bill.—By Lord LYNDHURST, from the Solicitors of Nottingham, for an Alteration of the Ecclesiastical Courts' Consolidation Bill.—By Viscount DUNCANNON, from Coventry, that no Alteration be made in the Municipal Corporations' Act Amendment Bill.—By the Earl of HARROWBY, from Debtors in Liverpool Gaol, for the Abolition of Imprisonment for Debt.

WAR IN SPAIN.] The Marquess of *Londonderry* said, he had several petitions to present relative to the Irish Municipal Corporations Bill, but before he laid them on the table, he wished to put a question to the noble Viscount opposite. He conceived that the state of the war in Spain had now assumed an entirely new character, and therefore he begged leave to ask whether a letter which had, appeared in the newspapers signed by Lord John Hay, and dated from Santander, March 24, was written in consequence of instructions given by his Majesty's Government, and if so, whether there was any objection to laying the letter and instructions before their Lordships.

Viscount *Melbourne* said, he believed the letter was in the possession of the Admiralty, and he had no objection to its being laid before the House.

The Earl of *Minto* said, the letter alluded to by the noble Marquess was not an official letter. Instructions had certainly been sent out, and he believed that no objection would be made to their production.

The Marquess of *Londonderry* said, as it appeared that there was no objection to the production of those instructions, he should move for them to-morrow. He wished next to learn whether any answer had been received to Lord Palmerston's letter of the 10th of March, addressed to the Spanish Government, with respect to the liberation of twenty-seven unfortunate Carlist prisoners, to whose melancholy situation he had heretofore referred? He understood that the Spanish Government had sent them to Porto Rico, and he should be glad to know whether the noble Viscount had received any information repecting those unfortunate men.

Viscount *Melbourne* answered, that despatches relative to this subject had been received, and would shortly be laid before the House.

Municipal Reform (Ireland).] The Marquess of *Londonderry* said, that in presenting to their Lordships the petition which he held in his hand, he felt it necessary to trouble the House with a very few words. The petitioners had, he conceived, strong claims on their Lordships' sense of justice; and, in his opinion, their representations deserved some consideration from his Majesty's Ministers. The petition came from the Mayor, Commonalty, and Citizens of Londonderry, and was against the Irish Municipal Corporations Bill. The privileges which the Citizens of Londonderry had long and deservedly enjoyed, the petitioners complained would be fatally affected by the Irish Municipal Corporations Bill. He regretted to say, that the mode and manner in which Bills relating to Ireland were got up, evinced a spirit, an *animus,* on the part of his Majesty's Government, to keep down and mortify that class of persons who were most anxious to uphold the Protestant religion in Ireland. This feeling was further manifested by the coldness with which the Government appeared to view the flagrant outrage lately committed in Dublin, where the statue of King William was destroyed. When he saw this species of feeling pervading all the acts of the Government, he could not avoid examining their proceedings with a jealous and scrutinizing eye.

Viscount *Melbourne* begged leave to deny that any such feeling as that described by the noble Marquess existed in the minds of his Majesty's Government. There was not the smallest foundation for any such assertion. With respect to the circumstance particularly alluded to by the noble Marquess, he should only say, that the Government of Ireland had taken the most strong and effectual measures in their power to discover the authors of the outrage. As to the Irish Corporations Bill, when it came regularly before their Lordships, he should be ready to defend it against the noble Marquess, the most strenuous defender of the Corporation of Londonderry, and, he supposed, of all the rest of the Irish Corporations.

The Marquess of *Londonderry,* in answer to what had fallen from the noble Viscount would ask, whether his Majesty's Government had offered any great reward for bringing to justice the perpetrators of the disgraceful outrage to which he had alluded? [Viscount *Melbourne*: Yes.] He knew that a reward of 100*l.* was offered; but he would ask whether that was a sufficient reward, in a case where such great villainy had been perpetrated? It appeared to him as if the Government of Ireland, so far from acting promptly on the occasion, were only anxious to take the least possible notice of the outrage. As to the course which he should pursue when the Irish Corporations Bill came before their Lordships, it would be a very plain and straightforward one. He trusted that the Bill which was calculated to inflict irreparable injury on Ireland, throwing the whole power of the Government into the hands of the Catholic priests, and their political agitators, would never reach a second reading; but he, for one, would certainly oppose it in every stage.

Petition laid on the table.

Municipal Corporations' Act Amendment Bill.] The Lord Chancellor moved that the House resolve itself into a Committee on the above Bill.

Lord *Lyndhurst* said, that from the character of the objections which were urged against this measure, it would be much better considered in a Committee above stairs than it could possibly be in a Committee of the whole House. He should, therefore, move "that the Bill be referred to a Committee above stairs." As the Municipal Corporation Bill had become part of the law of the land, that measure ought to be rendered as complete as possible, but in taking steps for that purpose they ought studiously to avoid anything like oppression in dealing with the rights of individuals.

Viscount *Melbourne* would not object to the proposition of the noble and learned Lord.

Motion agreed to, and a Select Committee appointed.

HOUSE OF COMMONS,

Thursday, April 14, 1836.

MINUTES.] Bills. Read a first time:—Copyholds; and Copyholds Enfranchisement.

Petitions presented. By Mr. F. BARING, from Merchants, Shipowners, and Traders of Portsmouth, for the Repeal of the Duty on Marine Insurances; and from Portsmouth, for the Repeal of Civil Disabilities affecting the Jews.—By Lord Viscount STORMONT, from the Inhabitants of St. Augustine, Norwich, for the Repeal of the Duty on Newspapers.

MILITARY FLOGGING.] Captain *Boldero* rose to put a question to the hon. Member for Maldon, who had a motion to-night regarding the Mutiny Bill. After the full discussion the question of flogging in the army had undergone last night, and after the boon given by Government, in the diminution of 100 lashes to be inflicted by regimental and garrison Courts-martial, he submitted to the hon. Member, whether it would not be injurious to the service, of which he (Captain Boldero) was a member, again to bring the question before the House. He had consulted several military friends upon the subject, and they were of opinion that it could not but be prejudicial again to introduce the discussion. He, therefore, humbly begged the hon. Member for Maldon not to press his motion this evening.

Mr. *Lennard* replied, that what had been conceded by Ministers, which the hon. and gallant Member had termed a boon, was not at all satisfactory to him nor to many of his friends, and, in deference to them, he should persevere in the notice he had given.

BONDED CORN.] Mr. *Robinson* said, that the motion he was about to submit, was one of so much public importance, so reasonable in itself, and therefore so free from objection, that he could not anticipate any resistance to it either by Government or by any considerable number of Members. It would be to this effect, " That a Select Committee be appointed, to consider under what regulations and restrictions foreign corn and flour in bond might be admitted to entry for manufacture, and exported without prejudice to the revenue;" in other words, without any evasion of the Corn-laws. Whatever might be his opinion of those Corn-laws, as long as they continued they ought to be maintained in their integrity. Having made that admission, it was incumbent on him to show that his proposal could be adopted without injury to the agriculture of the country. At the close of last Session, so many petitions were presented to the House, and so many applications were made to the Board of Trade, that he had felt it his duty, as a commercial man, to give notice that, in the present Session, he would move for leave to bring in a Bill to permit the manufacture of foreign grain; but upon farther consideration, he had been induced to think that, if he moved at once to introduce a Bill, he might be fairly met by the objection on the part of Ministers, that they could not consent to it without a distinct statement of all the details. He had therefore considered it fairer to all parties to move for the appointment of a Select Committee. He would first advert to the present state of the law. Whatever might be the quantity of foreign grain and flour imported and in bond, and however long it might have remained in the warehouses in consequence of the low price of corn in this country, it must continue there until destroyed by gradual decay, for, by the existing statutes, it could not be imported nor exported in a manufactured state. The present system was not only at variance with the principles of free trade, as he understood those principles, but it gave an advantage to the foreign trader over the home manufacturer. If the manufacture of foreign corn and flour were permitted, the merchants of this country could compete with those of other countries in foreign markets; and when he stated, that out of 600,000 quarters of foreign grain now in the Government dépôts a considerable portion of it had been four years in bond, some idea might be formed of the loss and injustice which such a system produced to the British merchant, who was thus deprived of the opportunity of employing a considerable portion of his capital in a profitable foreign trade. He was aware, that he was bound to show, that the permission for which he sought would neither affect the revenue nor infringe the Corn-laws. The island of Newfoundland, with which he was connected, derived almost exclusively the supply of provisions from Europe, and in consequence of the existence of the bonded system of this country that colony was obliged to send to Hamburgh, Dantzic, and other places for that which could so easily be obtained in this country if the restrictions to which he alluded were removed. This same law gave America the monopoly of supplying the Brazils and the West Indies with flour, to the great detriment of British shipping, and therefore the sooner a law, which was as injurious as it was anomalous and unreasonable, was got rid of, the better. He denied, that the removal of the restrictions on foreign grain, so far as exportation was concerned, would in any way prejudice the rights of the agriculturists, and he therefore hoped his right hon. Friend would act upon his own principles, and accede to the motion. He hoped he should not be told by his right hon. Friend, that, as a Committee was sitting on the subject of agriculture, the present motion was unnecessary. The Committee now sitting was one composed almost exclusively of Gentlemen connected with agriculture, and, that being the case, it was utterly impossible, that they could give to this question the consideration which it ought to receive. It might be urged, that the present question could be better adjusted after the Committee on agriculture had made its report; but he (Mr. Robinson) doubted whether a fair report, without meaning anything invidious, could emanate from that Committee as regarded the subject of his proposition. He called upon all those hon. Members who were favourable to the promotion of their mercantile and commercial interests to support his measure. It would have the effect of making Great Britain a general dépôt for the manufacture of all articles of consumption for their colonies, instead of throwing it into other countries. They were willing to agree to any restrictions that could be placed on them for securing the revenue and the home trade, and therefore he could not see how the Government could oppose his motion. He claimed the appointment of the Committee on the ground of precedent. In 1824, Mr. Huskisson had brought in a Bill for the purpose of allowing grain in bond to be manufactured into flour. This proposition, however went further, as it called for a general alteration of the law on that subject, and he would defy any person to show that his proposition, if carried into effect, would in any way be productive of loss to the revenue, or of the least injury to the agriculturist. The hon. Gentleman concluded by moving for the appointment of a Select Committee, "to inquire under what restrictions and regulations foreign corn, warehoused or in bond, could be manufactured into flour and re-exported without danger to the public revenue or without injury to the agricultural interest."

Sir *Edward Codrington* had presented petitions on the subject last Session. He was quite sure if the Government would consider the question they would find that no harm would come from the measure, but much good. He had much pleasure in seconding the motion, which, if carried, would be of the utmost benefit to the general interests of the country.

Mr. *Poulett Thomson* expressed his regret, that the hon. Gentleman, when he gave notice of his motion, did not specify more clearly what his object was. The hon. Gentleman had said, that he should submit a motion relative to the grinding of foreign corn in bond; but such a notice did not afford an intimation of the course which the hon. Gentleman had felt himself called on to pursue. He certainly should say, in reply to the hon. Gentleman, that he did not think the House would do wisely if it consented to this motion, inasmuch as he was of opinion that this was a question which should be left to the Agricultural Committee, who would no doubt consider the different plans laid before them, and report according to the evidence produced in support of those plans. He had been called on, in pursuance of his duty, to consider the subject, and so far as he was able to make himself master of it, he must say he did not think that any advantage would result from an investigation by a Committee, especially devoted to this particular inquiry, in the manner proposed by the hon. Gentleman. The motion was, "That a Select Committee be appointed to inquire under what regulations and instructions foreign corn and flour warehoused in bond might be allowed to be manufactured and re-exported, without prejudice to the public revenue, or to the interests of agriculture." Now he was willing, as he had told some parties who had applied to him on the subject, to bring in a Bill himself to carry into effect all the hon. Gentleman sought for, according to the terms of the motion, but the difficulty was this: there could be no objection to allow the foreign corn which was in bond to be ground in this country and re-exported—that was to say, if the parties having the corn in bond would, under the King's lock, grind it, and re-export all the produce of the corn so ground, then no injury whatever could result to the public revenue, nor could the supposed interests of the agriculturists be affected. What, however, the parties wished was, to be allowed to introduce a quantity of corn, to have that consumed in England, and to export an equal quantity of manufactured flour. He considered that this would so far be a benefit, as it would give employment to the capital and to the machinery of this country. But he objected that the difficulty would be, that English corn would be manufactured for exportation, and that foreign corn would be retained for consumption in England. If any such permission were given, there ought to be every security afforded that the corn so manufactured into flour should be exported. In looking to the Bill of 1824, to which reference had been made, he did not find that there was sufficient security afforded. That Bill provided, that for every five bushels of wheat manufactured, security should be given that 196lbs. of flour would be exported. But then it was found that this regulation was very imperfect, for some wheat being of finer quality would produce a greater quantity of flour, so that the proportion of flour would of course vary in its proportion to the quantity of corn. He thought the principle on which they should act would be, to make this country as much a manufacturing country as possible, provided that in doing so they did not lead to fraud or suspicion of fraud. The parties who proposed the scheme said, that they would give a security that no fraud should be committed. His answer was, that he could not find a security against fraud. He wished to give every possible encouragement to the manufacturing interest in this country, but he felt that they were bound to take care that they did not open the door to fraud, or even the suspicion of fraud. As regarded sugar, an experiment similar to that now recommended had been tried. Parties had been anxious to be allowed to introduce sugar for consumption, and to re-export an equal quantity that had been refined. The Government, in order to ascertain whether fraud could be guarded against, took an establishment in the city, and became refiners, when they found that it was impossible to fix such an amount of drawbacks as would be neither more nor less than it ought to be. If the Committee, which the hon. Gentleman asked for were appointed, a great deal of alarm would be excited in one quarter, while expectation would be raised in another, and ultimately the Committee and the House would be obliged to come to the conclusion that such a plan could not succeed.

Mr. *Eaton* perfectly coincided in the opinion expressed by the right hon. Gentleman the President of the Board of Trade, that the once permitting foreign corn to be ground in this country would be attended with numerous frauds. But he believed that the real intention was to smuggle the flour into the English market. He did not see any reason why the foreign corn should not be ground in Newfoundland, as the bonded corn in this country was a millstone round the neck of the British farmer.

Dr. *Bowring* said, that he was opposed to all restrictions upon commerce of any description, which were always found to have an injurious operation. He supported the motion of the hon. Member opposite, as a step to the repeal of the Corn-laws, which must eventually take place, and which, if the agriculturists themselves would overcome their prejudices, they would find would be for their own interest. The removal of all restrictions upon commerce would be for the benefit of the country. Under this feeling, he was anxious to give his assistance to the motion of the hon. Member.

Colonel *Sibthorp* contended, that the agricultural distress which prevailed in the country, called for the most serious attention. On this subject he had himself presented two petitions from important agricultural districts in Lincolnshire. After the expectations that had been held out by the labours of the Agricultural Committee, he could not conceive a greater blow to the hopes of the agriculturists than the declaration that had been made by the President of the Board of Trade.

Mr. *Cutlar Fergusson* said, that his objection to the motion was, because the House was called upon to take it for granted, that foreign corn which had been imported into this country, under restrictions, ought to be allowed to be ground in this country for exportation; and the hon. Member for Worcester said, he would refer the subject to a Committee, in order to determine what regulations were necessary for the purpose of carrying this object into effect. He (Mr. Fergusson) believed, that the real intentions of those who mooted the question was, inasmuch as they had failed in their speculations to grind their bonded corn in this country and get it consumed here to the detriment of the agricultural interest. He was satisfied that it was by means of fraud they wished to effect this object, and that the effect would be, if the proposition was acceded to, that this corn would be consumed here, instead of that which was the growth of this country. Entertaining these views, he should give his determined opposition to the motion.

Mr. *George F. Young* considered that this boon might be granted without occasioning any detriment whatever to the agricultural interest, and entertaining that view of the subject, he should support the motion of his hon. Friend. He (Mr. Young) should be satisfied and content if any six members of the agricultural interest in that House would set themselves down in a Committee room up stairs, and after examining into all the details on the subject, adjudicate and determine on this question. He should be perfectly willing to abide by their decision, because he was satisfied that they would decide the question, without the slightest suspicion of their being actuated by a view to their own interests. He must say, that he thought the shipping interest, with which he had the honour to be connected, was hardly dealt with in reference to this question, and he thought the right hon. the President of the Board, ought to allow this subject to be made matter of inquiry, which was all his hon. Friend asked. He considered that it was a fit subject to be submitted to a Committee, and, therefore, he should support the motion of his hon. Friend.

Mr. *Ewart* was of opinion, that there was great force in the observations of his right hon. Friend, the President of the Board of Trade, but still he was of opinion that the right hon. Gentleman ought to have granted the inquiry sought for. He thought that a tribunal less partially composed than that of the Agricultural Committee, of whom he wished to speak with every respect, should be selected for the discussion and determination upon a proposition like the present. It was his intention to support the proposition of the hon. Member for Worcester.

Mr. *Hume* wished to know whether the opposition to the motion of the hon. Member for Worcester came from his Majesty's Ministers or the agricultural interest? In the latter case, he should have expected that the noble Marquess (the Marquess of Chandos) who had shown such a laudable zeal for that interest—zeal that was certainly consistent, and he thought, highly honourable to that noble Lord—he should have expected that he would have taken some part in this question. This question had heretofore been opposed by the agricultural interest, because it was thought that it would interfere with that interest—that it would be the means of introducing a portion of foreign wheat instead of wheat the growth of this country. Now, what were the advantages in opposition to that view of the question? It would give them the advantage of being the carriers of corn, it would afford employment to the English manufacturers, it would make the English the carriers of that corn out of the country, giving to them the profits of the trade, instead of their being now obliged to go to the Baltic and other places for supplies. He confessed, that he could see no difficulty in the way, if there were a real desire to carry such a measure into effect. He should recommend the hon. Member for Worcester to withdraw his motion, and allow the hon. Gentleman to introduce his Bill, in order that they might see what objections would be made to it. Though he had a decided opinion on the Corn-laws, yet still, he must say, he should never seek to get rid of them by any side wind. In looking to such a Bill as that suggested by the right hon. Member, the President of the Board of Trade, he would endeavour to protect the agriculturists as much as if he were a decided favourer of the Corn-laws; and if such a measure could be carried without injury to the agriculturists, why should it not be done? With that object the hon. Gentleman ought, he considered, to withdraw his motion, and allow the right hon. Gentleman to bring in his Bill as he proposed; and if the regulations suggested were not sufficient, then would be the proper time for the parties to look for a Committee. He begged to ask the right hon. Gentleman what it was he proposed to do, in order that they might see how far his measure might be desirable.

Mr. *Poulett Thomson* thought, that he had fully explained his views of the subject to the House, but it appeared he had not rendered himself intelligible to his hon. Friend, the Member for Middlesex. He (Mr. Thomson) stated, that he saw no objection to the adoption of the principle; and this information he had given to the parties who had waited upon him, of allowing the holders of foreign wheat in bond to grind it in bond, and to export it. When he made this proposition he was told by the parties that the adoption of that principle would be of no use to them; and he must say, therefore, that he could not undertake to bring in a Bill on the subject after such a declaration had been made. He would have introduced the Bill then, and he did not positively say that he would not do so now, but he could not consider that he should be justified in supporting the motion then before the House.

Mr. *Young* asked, could baked biscuits be also bonded?

Mr. *Poulett Thomson* replied, that his answer to that question was, that the whole of the produce should be re-exported.

Lord *Sandon* inquired, if the right hon. Gentleman required that the whole of the offal should be re-exported?

Mr. *Poulett Thomson* said, his principle was that the whole of the produce should be re-exported.

Mr. *Young* asked if he would allow it only in the shape of biscuits?

Mr. *Aaron Chapman* considered that the proposition would afford great relief to the shipping interest, and not affect the agricultural interest injuriously. He should, therefore, support the motion.

The Marquess of *Chandos* observed, that the Agricultural Committee had full power for entering into this question. He did not think that the best mode for determining it could be by the report of a separate committee.

Viscount *Sandon* considered this a most favourable moment for acting upon the proposition of the hon. Member for Worcester, seeing the difference of prices which now existed between the produce of the United States and of Europe. Our colonies had hitherto been principally supplied from America, but now the prices were so much lower in Europe than in America, that this was the time when the export of that produce could be made with effect.

Mr. *Gisborne* generally had the pleasure of voting with his right hon. Friend, the President of the Board of Trade; but he was sorry that he could not find the slightest excuse for doing so on the present occasion. The hon. Member for Worcester came forward and said if he could show the House that his proposition would not injure the agricultural interest, that then he would call upon them to alter the law as it now stood, and he asked for the Committee on that ground. The answer of his right hon. Friend was, that the hon. Member for Worcester did not want a Committee, that the Agricultural Committee was sitting, and he might go before them. The Agricultural Committee were to take this matter into their especial care, and point out some mode by which this could be effected, without interfering with their interests. Now he did not think this was quite fair, it was, as it appeared to him, to use a homely phrase, very much like adding insult to injury, to tell the hon. Member to take this case before an opposing interest, in order that they might devise the most effectual way in which this case might be met. He was willing to vote for the question on the ground stated by the hon. Member. He did not wish to interfere with the Corn-laws by a side wind; he had voted against any alterations of them on former occasions, and should do so again. The hon. Member wished to have a Committee free from agricultural jealousy, and he (Mr. Gisborne) would support him in that object with all his might. He could not see any ground for opposing the motion, except that which must be presumed to arise from the jealousy of the agriculturists, and if such jealousy did exist, the Agricultural Committee was the worst tribunal to which the matter could be referred. All that was asked was to grind foreign bonded wheat into flour, and to make biscuit in bond for exportation: and why might the parties not be permitted to try this experiment? why might they not be permitted to do this, until some other mode should be devised? In conclusion, he must say that he never heard a proposition objected to on weaker grounds, and, therefore, he should support the motion.

Mr. *Warburton* was decidedly in favour of this subject being referred to a Committee, and he could not conceive why the motion of the hon. Member for Worcester should not be granted.

Mr. *Shaw Lefevre* admitted, that if the question could be considered by the Agricultural Committee it ought to be. He must be permitted to say, that he could not agree in opinion with the hon. Member for Liverpool (Mr. Ewart), that the agriculturists wished to protect themselves at the expense of the other interests of the country. Nothing would give him greater pleasure than that those interests should receive relief, as far as it fairly could be conceded to them. He could not pledge himself that the Agricultural Committee could make a special report on this subject, but he could assure them that they gave the subject submitted to them the most impartial consideration; and when their Report should be laid before the House, he was satisfied that hon. Members would be far from supposing that they had been actuated in any degree by agricultural jealousy.

Mr. *Labouchere* said, that when his right hon. Friend considered the proposition as impracticable, he very properly opposed a mode of proceeding that might interfere with settled interests, and could only tend to encourage speculations injurious to trade. The right hon. Member, in conclusion, bore testimony to the fairness and impartiality with which the Agricultural Committee had acquitted themselves of their duties.

Mr. *Anderson Pelham* had no objection to the motion, so far as the appointment of a Committee, because he thought the subject well worthy of being considered by the House.

Dr. *Lushington* said, that ever since he had had the honour of representing the Tower Hamlets a very strong feeling had existed amongst a great portion of his constituents on this question. A great number of persons belonging to the shipping interest, or trades connected therewith, had repeatedly and loudly complained of the present state of the law as it affected them; and in the justice of those complaints he must say, that he very strongly concurred, and thought that some remedy should be adopted. At the same time he admitted that considerable difficulty might be found in remedying the evils complained of, particularly as a difference of opinion seemed to exist as to the extent of the evil itself, and the nature of the objects which should be held in view. For his own part he thought it was not material whether the corn were manufactured for the foreign market only, or whether it were also applied to the use of our own shipping; he did not think it would be a sufficient relief to allow a drawback upon corn manufactured into biscuits for foreign use; the same principle, if applied to all, ought to be applied equally to biscuits manufactured for our own shipping. It was notorious that, by the present state of the law our ships were often induced to go to Hamburgh and other foreign ports for their biscuits, instead of taking them from the home market. Upon these considerations, he should certainly support the motion of the hon. Member.

Mr. *Robinson* in reply stated, that for the sake of arriving at a perfectly fair and satisfactory conclusion, he was desirous that if his motion were acceded to, the Committee should consist one half of Members connected with agriculture, and half of those more immediately interested in mercantile pursuits; and that the President or Vice-president of the Board of Trade should be one of the number.

The House divided on the Motion: Ayes 40; Noes 77:—Majority 37.

List of the AYES.

Aglionby, H. A.
Baines, E.
Bentinck, Lord W.
Bewes, T.
Bolling, W.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Chapman, A.
Codrington, Admiral
Elphinstone, H.
Ewart, W.
Gisborne, T.
Hastie, A.
Hawes, B.
Horsman, E.
Hume, J.
Lennard, T. B.
Lushington, Dr.
O'Connell, D.
Parker, J.
Pinney, W.
Pryme, G.
Read, Sir J. R.
Sandon, Ld. Viscount
Scholefield, J.
Smith, B.
Strickland, Sir G.
Stuart, Lord D.
Stewart, W. V.
Talfourd, Mr. Sergeant
Tancred, H. W.
Thompson, Colonel
Thornely, T.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Wood, Mr. Alderman

TELLERS.

Robinson, G.
Young, G. F.

List of the NOES.

Alsager, Captain
Arbuthnot, hon. H.
Baillie, H. D.
Baring, T.
Barnard, E. G.
Barry, G. S.
Bernal, R.
Blackburne, J. I.
Bonham, R. F.
Buller, Sir J. Y.
Chandos, Marquess of
Clerk, Sir G.
Clive, hon. R. H.
Cowper, hon. W. F.
Dalbiac Sir C.
Darlington, Earl of
Donkin, Sir R.
Eaton, R. J.
Fector, J. M.
Fergusson, R. C.
Fleming, J.
Forester, hon. G.
Fremantle, Sir T.
Gordon, hon. W.
Goulburn, Sergeant
Graham, Sir J.
Hector, C. J.
Henniker, Lord
Herbert, hon. S.
Hogg, J. W.
Howick, Lord
Hoy, J. B.
Kerrison, Sir E.
Knightley, Sir C
Labouchere, H.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lincoln, Earl of
Lushington, C.
Lygon, hon. Col.
M'Leod, R.
Martin, J.
Moreton, hon. A. H.
O'Brien, W. S.
O'Ferrall, R. M.
Peel, Sir R.
Peel, W. Y.
Pelham, hon. C. A.
Plumtre, J. P.
Powell, Colonel
Pringle, A.
Rice, rt. hon. T. S.
Rickford, W.
Rolfe, Sir R. M.
Rushbrooke, Col.
Russell, Lord J.
Scott, Sir E. D.
Sheldon, E. R. C.
Sibthorp, Col.
Stanley, Lord
Stormont, Lord Vis.
Surrey, Earl of
Thomson, right hon. C. P.
Townley, R. G.

Trelawny, Sir W.
Troubridge, Sir E. T.
Twiss, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. E.
Ward, H. G.
Wilkins, W.
Williams, R.
Wodehouse, E.
Wood, C.

TELLERS.

Baring, F.
Stanley, E. J.

MUTINY BILL—MILITARY FLOGGING.] Mr. Cutlar Fergusson brought up the Report of the Committee on the Mutiny Bill. On the Question that it be agreed to—

Mr. *Lennard* said, Sir, I rise to bring forward a motion, in a more modified form than that which was rejected last night. I am happy, however, that the hon. and gallant Gentleman opposite (Major Fancourt) did bring forward his resolution in the form in which he presented it to the House, because he thereby gave hon. Members who think as I do, that the time is come when an alteration should take place in the mode of punishing soldiers in the army, an opportunity of expressing their sentiments, and of marking, by their vote, their adherence to the principle embodied in the resolution. But, as the House thought fit to refuse that motion, I am anxious to give hon. Members an opportunity of expressing their opinions on the more modified motion which I shall now submit to the House, and the object of which is, to restrain the infliction of corporal punishment in time of peace upon soldiers employed in the United Kingdom. Sir, in making this Motion, I shall not travel over the ground which was so ably traversed in the debate of last night. The question is, whether in time of profound peace, when there is no pretence for saying that any injury will be done by the insubordination of soldiers in the field or in the presence of the enemy, whether you will so far violate outraged public feeling as to determine upon the continuance of this barbarous, inhuman system in the British army, or whether you will not deem this a proper occasion for endeavouring, by introducing a milder system of punishments, by a better system of recruiting, and by improving generally the condition of the British soldier—whether the time is not arrived when this experiment may be fairly tried? I own, Sir, I am one of those who do believe, that by adopting those measures which were recommended by my hon. Friend, the Member for Middlesex, you will succeed in forming an army, which, like the French army, you will be able to govern without the infliction of those horrid tortures to which British soldiers have been of late years so often subjected, and against which public feeling is now so strongly rising. I believe that, notwithstanding what was said by the noble Lord, the Secretary at War, and others, who opposed the motion of the hon. and gallant Member for Barnstaple. I do believe that the infliction of corporal punishment is the means of excluding from the British army many respectable and worthy men. We are told, indeed, that this cannot be the case, for a man who enters the army, determined to do his duty like an honest man, will know that he is in no danger of feeling the lash. Sir, I believe that the mere terror of this punishment is sufficient to exclude respectable young men from entering the army. I should like to bring this question to a practical test. I should like to ask any Gentleman in this House, holding his Majesty's commission in the army or navy, whether he would not immediately throw up his commission if there were a possibility of his being subjected to this punishment? And would not any respectable high-spirited young man have as keen a sense of the disgrace and ignominy attending the infliction of the punishment as any hon. Member in this House? I therefore say, that the class of men whom we ought most anxiously endeavour to allure into the ranks of the army, are entirely excluded from it by the existence of this degrading punishment, and their being thus exposed even to the hazard only of their being flogged. They will not subject themselves to association with men liable to this punishment. I am convinced that you can never expect any permanent improvement in the British army, until this punishment is entirely abolished. Sir, I do not believe that any half measures, such as those proposed by the Government, can be effectual. In truth, while you retain this punishment you deprive yourselves of the power of introducing into the army that class of men which would enable you to get rid of it. You first of all, by retaining this corporal punishment, get an inferior class of soldiers; and then you say, you must continue the punishment in order to govern them. You should abolish the punishment then by degrees, get rid of those atrocious characters who cannot be governed without the lash, and then I will venture to say, in a short time, you will have an army as well disciplined as any in Europe. Sir, the noble Lord (Lord Howick) contended that solitary confinement was not a sufficient substitute for military flogging; that it had failed in

America; and he referred to some returns in order to support his argument. Now, Sir, the noble Lord is mistaken upon this point. Solitary confinement has not failed in America: if he had looked further, he would have seen that the Americans afterwards added hard labour, and that since, it has succeeded entirely; and how it can be argued that a punishment which succeeds in reference to civilians should not succeed as a punishment for soldiers I cannot understand. The noble Lord, indeed, quoted some returns to prove that solitary confinement has not succeeded in the army. But though, as far as they went, they might seem to prove that, yet, I do maintain that solitary confinement has not had a fair trial in the British army. Then with regard to a better system of rewards, every proposition, with that object in view, has hitherto been met with ridicule. We are told, indeed, by the noble Lord, that it is impossible such a motive as the hope of reward can influence the soldier. Sir, I believe that if you give a greater chance of promotion to the soldiers than they at present have, you will at once raise them in the scale of society—that you will inspire them with hopes which will induce them to perform their duty—that you will inspire them with feelings of ambition and honourable emulation, which are the most effective that can possibly influence the human mind. Sir, I do not deny that the present system has succeeded in giving us a well-disciplined and brave body of men. We were told last night, indeed, by the right hon. and gallant Gentleman opposite, the Member for Launceston (Sir Henry Hardinge), that he had led a body of men in the Peninsula who had been very frequently flogged, who were exceedingly immoral, but were very brave. I must confess, however, that from the description given of them by him, they were not the sort of men whom I should like to have introduced with arms in their hands into this country. And though, perhaps, the present system may give a better set of men in the field, yet I believe a milder system would produce men better fitted for home; and that it would be very desirable to prevent the recurrence of these offensive accounts of torture which we too often hear is inflicted in this country. Sir, I cannot help observing, that in my opinion, an undue degree of weight has been attached on this subject to the testimonies or military men. We all recollect (and none can better recollect it than you, Sir,)—we all remember that the judges of the land were the most bitter opposers of any improvement in the law. And I could read extracts from speeches made by those learned personages, on the subject of the improvements suggested by Sir Samuel Romilly, giving a picture of political corruption perfectly astonishing. And I maintain that such is the case on the present occasion. I assert, that persons intrusted with power under an existing system, are never able to divest themselves of the prejudices attaching to power; and I contend that, as with the judges in reference to improvements in the law, so is it with the officers of the army, in regard to military discipline. If it were not so upon the general principle, which I have just mentioned, I maintain, that the opinions given by officers in the army upon this subject, were drawn from their experience of the army in its present state, and as that is a state which I hope, at least, will speedily be changed, they are not entitled to that weight which might otherwise attach to them. Upon the subject of substitution for corporal punishment, I should feel inclined to read to the House an extract from the Report of the Military Commission, which is conclusive, I think, upon the point. It is the language of an officer for whom we must all entertain the greatest respect; but the passage has already been quoted and must be familiar to hon. Members. Sir, I say, that an army composed of men who can only be kept under discipline by the lash, though that it is always necessary I deny, is a most dangerous body for a free country. The punishment of the lash is retained in the British troops in India. There have arrived accounts in this country, of a body of English soldiers having announced to their officers, that they would not allow the punishment to be inflicted on the English soldiery, while it is not allowed to be inflicted on the Native troops. I ask the House whether there is no danger when public opinion is so strong upon this subject in this country, lest the soldiers should one day come to a resolution that they will not any longer submit to this punishment? Now, Sir, what is the danger, about which so much has been said, to be apprehended from abolishing corporal punishment? We are told, that in every regiment there are a certain number of bad characters, only to be governed by it, on whose account alone, it is necessary therefore to maintain the power of inflicting the lash. I say this on account of danger, which in time of peace, the House can easily grapple with, by having a penal company to which bad characters, if refractory, can be sent, and by adopting a system of recruiting, which will prevent the influx of such characters into the army in future. In the debate which took place on the resolution of the hon. and gallant Member for Barnstaple, I think hon. Members went too far for argument, in referring to the armies of the continent. We need only look at our own police force, to see a body kept in a state of perfect discipline without anything like an approach to corporal punishment. And why not bring the army into the same situation, by putting it upon the same footing. It is upon these grounds, Sir, that I ventured, entertaining as I do, a very strong opinion upon the impolicy of retaining this punishment in the army, that I have attempted to give this question another trial, by submitting it to the House in a less objectionable form. I believe that several hon. Members who voted last night against the motion of the hon. and gallant Member for Barnstaple, would have voted for a more moderate proposal, and they will now have an opportunity of recording their opinions. The Government do not appear to be aware of the strong feeling which exists in the country on this question. If they were, I think they would not have disappointed their most sincere friends as they have, by the course they have taken. I am one of those who, three years ago, voted for the motion of my hon. Friend, the Member for Middlesex: we were on that occasion only in a minority of ten, and I believe the motion would have been carried had he brought it forward again; but he desisted, partly on my own suggestion, on the understanding that Government would take up the subject—that they would not bring forward any half-measure, but apply themselves sincerely to the institution of a system of secondary punishment, with a view to the final abolition of corporal punishment. Sir, I beg to move, as a proviso to a clause of the Bill now before the House, "that no Court-martial held in the United Kingdom shall, except in time of war, be authorised to award the infliction of corporal punishment."

Viscount *Howick* complained, that this motion should have been brought forward as it had been in a very thin House, after the full discussion which the subject had received last night. The hon. Member said that a more modified motion than that made last night would have obtained more votes, but he well remembered that the hon. Member for Worcester, who differed with the hon Member for Barnstaple as to the extent to which he pushed his motion, yet voted for it, because he considered it as an expression of the opinion of the House against the retention of corporal punishment in the time of peace. Under such circumstances, he thought it scarcely fair to expect the House to go into a second discussion of this subject, and that feeling was, he knew, entertained by many Gentlemen who agreed with the hon. Member in opinion, and who had left the House because they would not vote against their opinions, and because they did not think it fit now to rediscuss the subject. If the hon. Member chose to press it to a division he had no fear but that the majority would be much greater in proportion than last night.

Mr. *O'Connell,* before the House divided, begged leave respectfully to enter his protest against this practice of military flogging. It was a practice so odious in its very nature, that he observed that the hon. Gentlemen who spoke in support of it, invariably shrunk from calling it by its right name. They talked of the infliction of corporal punishment; but they did not choose to designate it by its proper appellation of—military flogging. Any infliction upon a man's person was corporal punishment; but this was peculiarly and distinctly the punishment of flogging. He thought it ought not to continue. There was every reason why it should cease, and there was no justification for its being longer preserved. From the portion of the debate which he heard last night, it struck him that all the hon. Members who spoke in support of the continuance of this practice, aimed solely at making out a case for its justification on occasions of extremity, such as that of a state of actual war with the army in the field, when the commander might be suffered to have recourse to such a punishment as a sort of concession. The military officers who were examined before the Committee, appeared to aim at establishing the same position. Why, that extreme case was admitted by many: it ought, perhaps, to be admitted by all. But though the allowance of such an exercise of his discretion might be permitted to the commander, surely that did not meet the spirit, though it might meet the terms of the resolution proposed by the hon. Member for Barnstaple. All the arguments in favour of this practice, grounded on its necessity in extreme cases, went merely to establish this—that on such occasions it might be tolerated. Why? For the reason that the punishment of death was reserved; because it was necessary for the good of the service. But what kind of logic was it by which it was inferred that because in extreme cases the punishment of flogging might be properly inflicted, it should therefore be resorted to on the commission of every offence? The discussion last night, then, turning on extreme cases, the ground upon which this practice was said to be generally necessary, he agreed with his hon. Friend (Mr. Lennard) that it was quite right to give hon. Members an opportunity of coming to another decision on the subject. It was a thin House to be sure, but the greater the shame for those who absented themselves. The question was not decided last night, nor could it be decided by any o e division of that House in opposition to a motion for the abolition of flogging. And for this reason, that when common sense, and feeling, and humanity, were on the side of those who were defeated, the people of England, after having obtained the political power which enabled them to do so, would not long suffer so unjust and degrading a punishment to continue. If the responsible Representatives of the people in that House were not to pass the Mutiny Bill until the punishment of flogging were done away with, they might, in his opinion, effectually put an end to it. It was, indeed, a cruel infliction—cutting off the human flesh by pieces! It was a violent punishment for any crime; for ordinary offences it was at once most painful and most unjust. In such corporal inflictions there was a great inequality in the degree of punishment, because a man of a weak constitution suffered ten times more than one who was robust, and that for the same offence. It was ascertained in medical science, that a small wound would, in some constitutions cause a locked-jaw, whilst the severest wounds would not produce the same effect in different constitutions. This practice, then, was not only brutally cruel and essentially and unnecessarily unjust, but it was more —it was degrading. The most celebrated commander of the present age conveyed his opinion of this practice by using a kind of conundrum, which was certainly not original. The French phrase was—"C'est le crime qui fait la honte, ce n'est pas l'echafaud." The noble Duke translated this by answering the question of the Commissioners whether this punishment tended to degrade the soldier, by saying, "the crime degrades him." He wondered that a man of such experience in military affairs could express such an opinion. Soldiers, when they got drunk, were degraded in the sense of the noble Duke by being flogged; but how many of our high-bred gentlemen got drunk without being degraded simply by the offence. The punishment of flogging was not only degrading but unnecessary. The punishment of whipping was applied to dogs with some effect, though he did not think the man a fortunate sportsman who was obliged to beat even his dogs. Ought that punishment, then, which was scarcely applicable to dogs, to be applied to men? It was very distressing to him to dwell on such a subject in presence of military officers; but he could not help saying a word or two in reference to the speech of the gallant Gentleman opposite (Sir H. Hardinge). The House was told of the gallant 57th regiment, who died in their ranks with all their wounds before, whilst the gallant Officer forgot to tell the House that they were well flogged behind. [Sir *Henry Hardinge* had not forgotten to tell the House that the regiment was flogged.] But if the argument of the right hon. Baronet were good for anything it went to this—that the survivors of that regiment should all have been hanged. If the punishment of flogging was found so effective in the first instance, as much additional flogging as possible, or some more violent punishment, would, according to the right hon. Baronet's view, be of the greatest service to the regiment. The right hon. Baronet would administer the punishment of flogging just to the same purpose as the quacks praised Morison's pills, by saying, that there is no chance of their proving beneficial unless they be taken in large quantities. He never heard a speech more conclusive against his own views than that of the right hon. Baronet. The right hon. Baronet had thought proper to speak harshly of a gallant Friend of his with respect to this practice. It was true that he did him the justice of stating, that necessity compelled him to have recourse to this punishment; but he (Mr. O'Connell) thought that he should have waited for the presence of his gallant Friend (Colonel Evans) before he made such a statement with reference to his conduct. But after all the flogging which the right hon. Baronet deemed so essential to the preservation of discipline, the troops at St. Sebastian acted in a way after the storming which was unjustifiable. Let it not be supposed that he meant to disparage the character of the British soldier. He believed that in determined and continuous bravery he was unequalled. But would any man tell him that in order to keep alive that spirit it was absolutely necessary that the British soldier should be flogged like a dog, and that our heroes should have their heads surrounded with laurels at the same time that their flesh was torn off their bones? He did not desire to be understood as pressing the Ministry to make a sudden and immediate alteration. But it could not be pretended that a case of absolute necessity for the continuance of this practice was established when the House recollected that the battles of Marengo, Friedland, Jena, and Austerlitz, were gained by men never subjected to the lash; and if this was the case, was there anything so degraded in the nature of the British soldier, as that he should not be placed on the same footing? The only just reason which those who opposed the abolition of the present system could allege against an effective substitute for it was, that the experiment would cost some trouble. He had heard the French army disparaged. He was not there to praise it. It had been asserted, that commissions were not now given to non-commissioned officers in the French service. He was not surprised at that. Indeed he was not surprised at anything that happened under the Government of Louis Philippe. But the fact should not be lost sight of—the fact that at the time this system of exclusion was established, they heard of conspiracies amongst the non-commissioned officers, as well as conspiracies against the King. He spoke, however, in accordance with history, when he stated, that French soldiers were often victorious without being flogged. But the English soldier, it appeared, was of a different description from the French—he was in fact but a kind of substitute soldier. Why? Because he was liable to be flogged; and because no man of proper feeling would willingly enter the army as a soldier whilst this practice was continued. Take the instance of the police force of Ireland in order to prove that there was no necessity for keeping up this punishment in the army. There were in that country 7,000, and when they were not actuated by strong party spirit, they were well-conducted and disciplined. Again, take the London police, who were so much better treated and paid than the soldier. He for one was of opinion, that the pay of the soldiers ought to be raised. The country could afford to raise their pay, if so large a force was not kept up in the colonies. Why was that necessary? Because the colonies were made our enemies, instead of being our friends. Let them act towards the colonies as they ought, and they might safely allow them to defend themselves. Above all things, however, he would give the commissions to the men. These commissions were now kept as a kind of prize for the aristocracy. Much had been said of the men not being good company for the officers, supposing they were promoted. They might not be as refined and polished as their superior officers; but he could speak to the fact, from experience of their conduct in his own country, that there was not a class of men employed under the Government, who conducted themselves with more propriety, or were more meritorious in the discharge of their duties, than the non-commissioned officers of Ireland. The British people had insisted on taking the whip out of the hands of the slave-owner, at the cost of twenty millions. The common sense and good feeling of the same people would also insist on taking it out of the hands of military officers.

Mr. *Barlow Hoy* said, he did not think that the discipline of the army could be maintained without the present system of flogging. In limiting the punishment, as it was proposed, to 200 lashes, he thought that a great part of the objections to the practice would be done away with. As to the exemption of our troops in India from the lash, he thought, if it were admitted, the system must be adopted at home, the very first relief from that part of our possessions; believing as he did that the motion if carried, would be destructive to the discipline of the army, he must oppose it.

Mr. *William Cowper* said, the hon. and learned Member for Dublin might have equally directed his eloquence against all substitutes for flogging, and depicted the degradation of the *boulet*, and the miseries of confinement and of death. His argument went against all severe punishment. One severe enough to outweigh the temptations to crime was necessary. Humanity might be shocked, but that humanity ought to be consistent, and object to war itself. How was war with all its legalized atrocities justified?—by necessity; on that plea he justified this punishment. There was a small proportion of men in every regiment who must be governed by fear, since to their vitiated minds irregularity was more pleasing than good conduct. He thought liability to corporal punishment necessary, but deplored its exercise, and hoped that it might operate as the belief in a future world did upon mankind, that it might overcome temptation and deter from crime, not by actual infliction, but by dread of its terrors.

Mr. *Pemberton* said, it was impossible to disguise the fact, that the present debate was merely a revival of that of last night. It was hardly possible to suppose that any system of military discipline could continue to be effective, if it were thus nightly interfered with, or the constitutional dependence of the army upon the Crown upheld, if the soldiers were night after night, and Session after Session, taught to look up to the House of Commons as the arbiters of their fate. It had not been and could not be denied that the present system of military discipline had produced an army as efficient for all purposes as ever entered the field. The hon. and learned Member for Dublin had upon the present occasion, according to his usual practice, spoken eloquently, but without much regard to matters of fact. The hon. and learned Member complained of the inhumanity of the punishment adopted in the army. Now, the humanity or inhumanity of that punishment must, like every other species of punishment, depend on the necessity or the absence of necessity for its infliction. The infliction of any human suffering, whether it were solitary confinement, forced labour, or flogging, if necessary, was inhuman; but if by the infliction of it a greater degree of human suffering was prevented, by the infliction of any one of the punishments, he must deny that it was inhuman. The hon. and learned Member had inveighed against the right hon. Gentleman (Sir Henry Hardinge) for having flogged a body of raw troops, but General Evans, who had found himself obliged to act in the same manner, under the same circumstances, had wholly escaped his censure. The conclusion to which the hon. and learned Member arrived, from the statement made by the right hon. and gallant Officer, was certainly very extraordinary. The hon. Member said, that the statement alluded to satisfied him of the inefficiency of corporal punishments; but the effect which it had produced upon his (Mr. Pemberton's) mind was diametrically opposite. The right hon. and gallant Officer's statement was this—that, after the battle of Talavera, the soldiers of the regiment in which he served were guilty of plunder, murder, and other excesses, and that, consequently, it was necessary to apply the punishment of flogging frequently and severely. What was the effect? That in the course of two years there was not a better conducted regiment in the service, and when subsequently they marched from a corner of Europe into the heart of France, their conduct in a hostile country was as orderly as if they had been proceeding from London to York, and they were received by the people not as conquerors but protectors. As to the alleged severity of the suffering arising from flogging, Colonel Evans himself stated, that soldiers were exposed to sufferings a thousand times more severe. But it was said that the punishment was attended with moral degradation. All punishments were connected with offences, and disgrace more or less attached to the commission of the offence; but there was nothing in the evidence given before the Commission to prove that corporal punishment produced a greater degree of moral degradation in the person subjected to it than any other kind of punishment. The hon. and learned Member for Dublin said, that flogging was a punishment that was not fit for a dog. It was easy to inflame the minds of the people by declarations of that nature; but was there anything more disgraceful in being flogged than in being chained like a wild beast, or placed on the tread-wheel with rogues, or sent to the galleys? There was nothing in corporal punishment disgraceful and degrading in the abstract, and apart from the nature of the offence. The pillory, which was considered an infamous punishment, was abolished upon the ground that it ceased to be so when the offences to which it was applied were not in themselves of an infamous description, and it was found that the pillory was converted from a stage of infamy to a throne of triumph. It was said, that public opinion was opposed to corporal punishment, and he admitted that public opinion would in all cases ultimately prevail. If public opinion was opposed to a particular law it was evident that it would be necessary to repeal or modify it, because the public were the parties to carry it into execution, and if they refused to do so the law would become inoperative; but the case of military flogging was different, because it applied only to a particular class. When the soldiers and their officers themselves called for the abolition of the punishment, it might be impossible to retain it, but at present their opinion was the other way, for they were unanimous in stating, that it was the best mode of punishment which could be devised. It was impossible to read the evidence given before the Commission without coming to the conclusion, that the noble Lord opposite (Lord Howick) spoke advisedly, when he said that "if flogging were abolished, it would be necessary to disband the army to-morrow." Reference had been made to the abolition of flogging in the native army of India by the late Governor-General who was present in the House; but that Act ought rather to operate as a warning than an example to be followed. In 1834, his Lordship having first conceived the idea of abolishing corporal punishment in the Indian army, directed a circular to be sent to the Presidencies desiring that the Boards of Officers should transmit to the Government their opinion as to the possibility and propriety of carrying that object into effect. His Lordship received Returns from each Board, and in some cases from the individual officers composing it, and the opinion of every one was opposed to his Lordship's proposition. On the 16th of February, 1835, his Lordship prepared a minute, which he laid before the Supreme Council. This minute contained a statement of a most remarkable character as to the difference in the number of punishments in the Bengal, Madras, and Bombay armies. His Lordship in the same document stated, that he had not data sufficient to enable him to form an opinion as to whether the difference in the number of punishments was attributable to the different constitution of the armies, or to any difference in the mode of enforcing discipline in them, and he recommended his successor, as the first act of his Government, to inform himself upon those important points. On the 24th of the same month, before any information could have been received upon these most essential points, his Lordship, then on the eve of quitting India, instead of, as he had previously recommended, leaving his successor to obtain information, and to come to a decision upon the subject, submitted to the Council a proposal for the absolute and unqualified abolition of corporal punishment in the Indian army. That the noble Lord was actuated by the best motives it was impossible to doubt; but was it—he would not say right, but wise, on the part of his Lordship, on the eve of quitting the Government of India, in the absence of all information, and against the opinion of all the military authorities in that country, to take this irretrievable step, and leave, if not the responsibility, at least the consequences of it to his successors? It was reported that the British soldiers had communicated to their officers, that as the native soldiers were exempted from corporal punishment, they would no longer submit to it. Supposing that this rumour was untrue, as he hoped it was, still the question remained—was the noble Lord justified in opposition to the opinion of every person consulted in taking a step, which once taken, could never be retraced? It, however, was unnecessary in discussing this question to refer to the armies of foreign countries, or to that of India, for unfortunately the British army afforded sufficient evidence of the evil which had resulted from relaxing the system of corporal punishments. In the year 1825 a clause was first introduced into the Mutiny Bill, by which the power of substituting imprisonment for corporal punishments was given to Courts-martial. It did not appear that, during the four or five years immediately following, this power was exercised to such an extent as to diminish the number of cases of corporal punishment. In the year 1829 an Act of Parliament was passed, by which the power of regimental Courts-martial to inflict corporal punishments was abridged; and in June, 1830, an order was issued from the Horse-Guards, by which the frequency of those punishments was materially diminished. He would next call the attention of the House to what had been the effect of these alterations. In 1825 the army consisted of 98,946 men; the number of Courts-martial in that year was 4,708, and the number of corporal punishments 1,737. In 1829, the army consisted of 103,740 men; the number of Courts-martial was 4,782, and the number of corporal punishments 1,748. It would be observed, that during those four or five years there was no diminution of corporal punishments, and no increase of offences. Now, take the subsequent five years and then let any man, with the result before him, deny if he could the truth of the noble Lord (Lord Howick's) position, that if corporal punishment were abolished, it would be necessary to disband the army immediately, because it would become the curse instead of being the protection of the country. In 1829, the number of Courts-martial was 4,782; in 1834, it was 10,363. In 1829, the number of corporal punishments was 1,748; in 1834, it was 963. Thus there was a diminution in the number of corporal punishments; but how many other punishments were inflicted, and how were the offences increased? In 1829, the offences were in number 4,782; in 1834, they were 10,227. Recollect, that the power of inflicting corporal punishment was still retained; but take that away, and let offences increase only in the proportion they had done; and in ten years from the present time the British army would no longer be in existence. The effect of the alteration made in the mode of enforcing discipline in the army had been the infliction of 6,000 more punishments than took place under the old system. It should not be forgotten, that, by the system which was substituted for corporal punishment, the innocent were, to some extent, punished for the misconduct of the guilty; for the duty of the well-conducted soldier was augmented in proportion to the number of his comrades who were imprisoned. He called upon the House not to adopt the mischievous and disorganising proposition before them. The hon. Gentlemen who supported it, ought, if they acted consistently with their own principles, to abolish the system of corporal punishments at once. He for one looked forward to the time when that object might be effected, but not by the means now proposed. Improve the condition of the army, improve the condition of the population from which the army is taken. Let hon. Members reverse the system on which they had lately acted, and instead of increasing the service and diminishing the pension, let them augment the pension and diminish the service. Establish honorary distinctions, and attach to them the substantial advantages of a pension and diminished service. The hon. and learned Member for Dublin said, that twenty millions of money had been given to take the lash from the back of the negro. Let the hon. and learned Member, and those with whom he was associated act upon the same liberal principle towards the British soldier; but whilst they continued to be more tender of their own pockets than of his back, he would laugh their affected humanity to scorn.

Lord *William Bentinck* felt it necessary, after the allusion which had been made to him, to address a few words to the House. The hon. and learned Gentleman, who had just sat down, seemed to think that he had been guilty of great indiscretion in abolishing corporal punishment in the native Indian army, and he stated that this had been done in opposition to the opinion of all the military officers consulted. Though the hon. and learned Member spoke as if he (Lord Bentinck) had acted in the matter upon his own individual authority, he must be aware that he was assisted by the Supreme Council. The hon. and learned Member must also know, that the power of altering the articles of war was vested in the Governor-General in Council, and if he would refer to the papers upon the table, he would find that the Council were unanimous in passing the order in question. The hon. and learned Member had referred to the circumstance of his having recommended his successor to visit the different armies in India for the purpose of assimilating their regulations with respect to discipline. It must not be supposed that he was ignorant of the nature of the discipline of the Indian armies. He had been Governor of Madras for some years, and was as well acquainted with the regulations of that army as with those of the army of Bengal. He had never been in Bombay, and was therefore less acquainted with the army of that Presidency than with the armies of Bengal and Madras; but he knew that one half of the Bombay army consisted of Bengal sepoys. Under these circumstances, he thought he was not chargeable with great indiscretion for having pursued the course which he had adopted. He should have felt ashamed of himself, if, after having been in India so long a time, and entertaining as he did a profound conviction that it was perfectly safe to abolish flogging in the native army, and having the concurrence of the Supreme Council to that measure, he had left it to be carried into effect by his successor, who was a perfect stranger to him. Every person acquainted with India must admit that the safety of that empire depended principally upon the native army. Those who had perused the evidence given before the Committee on the renewal of the East-India Company's Charter, could not fail to have observed, that the attachment of the native army to British interests, did not prevail to the same extent as formerly; but he believed that nothing could tend so much to attach the native troops to the British Government as the abolition of corporal punishments. Another hon. Member had said, in the course of the discussion, that he ought to have referred the question to the

Commander-in-chief; but he saw no reason why 150,000 men should, without necessity, continue to be subjected to corporal punishment in order that 20,000 other men, who might properly be subjected to the punishment, should not be displeased. It might be necessary to subject the British troops in India to corporal punishment for some time to come. Those were the grounds on which he had proposed the abolition of corporal punishment in the native Indian army; and he thought that no censure could justly apply to him on that account. He had proposed to the Commander-in-chief a plan for eventually abolishing corporal punishments in the British army in India, and he hoped that the President of the Board of Control would take that proposition into consideration.

Mr. Sergeant *Talfourd*, who spoke with great rapidity and indistinctness, which disabled us from collecting more than the general import of his observations, was understood to say, that deeply feeling with those who trusted that the period was not far distant when corporal punishment would be entirely abolished, he could not help congratulating them, and the public, on the tone of the discussions on the subject which had taken place these two nights. Some gratitude was due for the concessions which had been made, and for the ameliorations which had been promised, but the greatest ground for congratulation was yielded by the self-contradictions which the arguments of those who opposed the abolition of this punishment exhibited. Take only the last example, the speech of his hon. and learned Friend, who, in the conclusion of his address to the House, expressed his anticipation of the time arriving at which a cessation of crime in the army would put an end to the infliction of a punishment abhorrent to our nature; whilst, if the argument urged by him in the earlier part of his speech were worth anything, it would induce the House to believe that even the ameliorations that had already taken place, instead of being beneficial, had been productive of mischief and misery. If his argument was worth anything, his hon. and learned Friend must fondly look back to the good old times when men were subjected to the infliction of 800 or 900 lashes. So that while his argument obliged his hon. and learned Friend to go back to the harsh system of former days, his feeling and imagination—more true, more worthy, and more correct—carried him forward to that consummation desired by all good men—when corporal punishment should be discarded for ever. His hon. and learned Friend commenced his speech by saying, that the discipline of the army must be prejudicially affected by the discussions in that House. If the discussion of the subject had commenced in this House, he might agree in that expression of opinion; but his hon. and learned Friend knew very well that the House was but a faint, feeble, and tardy echo of that sympathy which prevailed throughout the country on this question; and so far from having a tendency to produce irregular habits and neglect of discipline on the part of the soldier, it would, in truth, give him a proper stimulus to good conduct, to find that that sentiment was not merely entertained by popular assemblies, where heat and passion prevailed, but in the deliberative assembly of the Commons of England, representing not the passions, but the feelings and opinions of the people of England—by whom he would have the satisfaction of knowing that his wrongs were carefully considered, and his case calmly regarded, and whose duty it was, to legislate for the welfare not only of the soldier, but of that state of which he formed a part. But he had some reason to complain of the noble Lord, who had objected to his hon. Friend, on account of the renewal of the debate this night. What could be more forcible than the argument of the hon. and learned Member for Dublin, when he said, that in a time of tranquillity, there was no necessity for the power to inflict corporal punishment;—that that power should be reserved to a time of war, and to cases of extreme emergency? But while hon. Gentlemen on the opposite side admitted the force of this argument, and thus, by their concession, established the exception, they sought, contrary to all logic, to found upon that exception a general rule. Nothing could be more illogical than to say, that because a case of emergency might arise,—which always made a law for itself,—therefore you must make the emergency no exception at all; but must retain the power of inflicting corporal punishment in a time of peace and tranquillity, in order that you may be able to apply it at any moment when the emergency shall arise. His opponents were not entitled thus to beg the question, and assume that, because an emergency might arise to require the power of inflicting corporal punishment, therefore the power ought at all times to exist. Again, when those who opposed the Motion had been met by the suggestion, that a system of rewards might possibly present a better inducement to good conduct, and produce a happier result than flogging, they had replied, that the human mind was so constituted, that the desire of immediate gratification prevailed over any motive which a prospect of future advantage could offer. That argument, if fairly carried out, proved the case of the advocates of the abolition. Were they to say that men were incapable of being influenced by the feeling of hope, and yet were we to believe that they were always to be influenced by fear? He believed in those instances of drunkenness, where the lash had been applied, the dread of its infliction had been one of the least efficient powers to check the offence. The immediate indulgence which the mind sought in drunkenness presented an idea of pleasure, which was incompatible with the idea of distant pain. Corporal punishment, therefore, failed to check the offence; at all events, he could say, that as long as the mind was seeking some immediate gratification, it was not likely to be scared by frightful examples seen only at a distance. When a reference was made to the degradation which the lash inflicted on the soldier, how was that argument disposed of? It was said, on the one hand, that soldiers were composed of such base materials, that it was impossible to operate upon their feelings, except through the medium of corporal punishment; but, on the other, when that degradation was described as having the effect of destroying the zeal and gallant spirit which alone could ensure victory in the field, it was then said, that corporal punishment was no disgrace, and the stripes on the outward man did not reach the mind. To the soldier was actually attributed a power of abstraction, and a higher and more philosophical nature than any Gentleman who heard him ever possessed. When his hon. and learned Friend said, that one punishment was not more disgraceful than another, he would ask, what it was that made it worse than death to a gentleman, to submit to a blow? It was placing the soldier upon a higher and more philosophical pinnacle than a gentleman to say he could submit to the scourge, and yet proceed in his career of glory. His hon. and learned Friend had fallen upon an illustration, unfortunate for his argument, but fortunate for his opponents. His hon. and learned Friend quoted the case of the pillory as a proof that disgrace was consequent not so much on the punishment as on the crime. What was the occasion, however, of the abolition of the pillory in all cases except perjury, for which the public had no sympathy? It was, because that sentence was passed upon a gallant officer. Here, then, the principle which his hon. and learned Friend would apply to his argument was put in force against a distinguished officer; for the pillory was held to be so degrading a punishment, that as soon as it was to be inflicted upon a gentleman it was abolished. The Court of King's Bench sentenced Lord Cochrane to be put in the pillory; and it was then that his hon. Colleague, the present Member for Westminster, declared, that so far from thinking the punishment, under the circumstances, to be just, he would go and stand beside him. He could not forbear expressing a wish, that that hon. Member were but here in his own proper character, to revive those old sentiments upon this subject, which he was wont to utter at a time when they did not find so much sympathy within these walls as at present, and for which the nation owe him a debt of gratitude, which nothing ever could extinguish or repay. It was upon the passing of that sentence (which, however, was never executed) that the pillory was abolished. The argument of his hon. and learned Friend led them to this conclusion, that the dangers his hon. and learned Friend anticipated, from the abolition of flogging, would not arise. He rejoiced at the concession, which had already been made on the subject. He rejoiced to hear hon. Members, who, in former times, considered, that capital punishment was necessary for the protection of property from forgery, beginning to acknowledge that corporal punishment may be all but dispensed with in the maintenance of military discipline. He rejoiced in the reduction of the number of lashes; and it was rather as a concession of principle that he rejoiced at it, than for the relief it would give to the soldier. But there was another alleviator, named—Nature, which affixed a period to the power of the oppressor, in limiting the power of endurance; for in most cases, long before 200 lashes or 1,800 stripes had been inflicted, the power of human suffering had ceased. He was struck with the remark of an hon. and learned Gentleman, that war itself was a hard necessity; that it was cruel, bloody, and shocking, and, therefore, it seemed a sort of inconsistency in those who upheld war to oppose the infliction of corporal punishment, on the ground of its cruelty. Agreeing with him in that view, and looking forward to a period when arms, as a profession, should be no more. He looked for the alleviation of the evils of war, and its final extinction to those high impulses of honour and those great examples of virtue, which a wise and humane system of discipline could inspire and create. Warfare, in its mildest form, was ever characterized by frightful scenes of violence and cruelty, and he rejoiced in the amelioration of that system of punishment which tended to deaden the feelings of the soldier. He hoped, that at no distant period, the lingering prejudices of many on this subject would give way, and that a more humane system would be substituted for that which had hitherto prevailed.

Mr. *Craven Berkeley,* in answer to the assertion of the hon. and learned Gentleman, that the soldier would be gratified by the discussion of the subject in that House, denied that the soldier, generally speaking, had any desire to see corporal punishment abolished in the army. He had been long in the service; and he spoke from experience and observation. He remembered when there were what were called company Courts-martial among the privates themselves, the invariable result of which was to inflict corporal punishment, much more severe than that inflicted by regimental Courts-martial; so severe, indeed, that the authorities at the Horse Guards were obliged to interfere to suppress the practice. He denied, therefore, that the soldiers were averse to the existence of corporal punishment; and he was convinced, that if the whole army could be marched individually to the Bar of that House, such would be found to be their opinion. The fact was, that the subject had been most fully and fairly discussed last night. But the hon. Member for Maldon had a cut and dried speech in his pocket, *ad captandum vulgus,* and therefore he brought the subject forward again. As to the supposition, that the abolition would give a better class of men, he had the honour to hold a commission in the Life Guards, and he knew that the privates, generally speaking, were yeomen's sons, a class of men uncontaminated by the corruption of large towns. He concurred in the opinion expressed yesterday evening by the noble Lord opposite, that if corporal punishment were abolished, they might disband the army.

Mr. *Wakley* expressed his astonishment at the absurd arguments, so contrary to all reason and propriety, which had been urged by the opponents of the motion. What had been the effect produced in the army by corporal punishments? That it had so degraded the soldier, that in order to maintain proper discipline, it became necessary to inflict no fewer than ten thousand such punishments in one year. Did not that show, that we had adopted a system of punishment which degraded the soldier? It was said, that the punishment had been mitigated; and that instead of 9,000, only 1,800 stripes would be inflicted at a time in future? But what had happened within the last twelvemonth? That, from the infliction of half that number—of fifty lashes—two deaths had occurred. He contended, that in both the cases to which he alluded death had been the result of the flogging. He had examined those cases; he had read the evidence taken before the Coroner's Jury; and it was his firm conviction, that if those men had not been flogged, they would now be alive. A capital punishment, therefore, had been inflicted; a punishment infinitely more than commensurate to the offence. Was it intended to punish insubordination by death—by slaughter? It was said, that a great deal of indifference existed in a portion of the public towards the subject. Where? Let the next election show. Let the Members who voted against the present motion boldly avow having done so on the hustings, and he was persuaded, that they would not find their way back to that House; and he should rejoice at it. He had seen many of the public since the vote of last night. They had all expressed their disgust at that vote. "Good God!" they exclaimed, "and this is a Reformed House of Commons! Why, in the worst times of the House there would have been a better division in support of such a motion." The evidence of the noble Lord who had just described the effect of corporal punishment on the native troops of India, appeared to him (Mr. Wakley) to be conclusive on the point. As to the logic of the hon. and learned Gentleman who had opposed the motion, nothing could be worse. That hon. and learned Gentleman contended, that the repeated discussion of the question must lead to discontent in the army, and to the practical abolition of corporal punishment; and yet he censured those who desired that abolition for agitating the subject! Did the hon. and learned Gentleman suppose, that the hon. Member for Maldon was not sincere in his wish to abolish the punishment? He shared in that hon. Gentleman's opinions on the subject; and he insisted that the motion should not be withdrawn, but should be put to the vote.

Mr. *Thomas Duncombe* said, that although he regretted the decision to which the House had come last night, he allowed that the subject had undergone a fair and ample discussion. What he now rose for, however, was to call the attention of the noble Secretary at War to one point. He understood, that by orders from the Horse Guards the *maximum* of corporal punishment to be henceforward inflicted was two hundred lashes by a general Court-martial, a hundred and fifty lashes by a district Court-martial, and a hundred lashes by a regimental Court-martial. Now, was the noble Lord aware, that the torture of the punishment did not entirely consist in the number of lashes; but that much of its severity depended on the time occupied in the infliction? He had been informed, that there were commanding officers who, since the last order reducing the amount of punishment, thought that some of the sentences of courts-martial — for instance, where fifty lashes had been inflicted, were too lenient; that they contrived to evade that leniency by occupying a longer time in the infliction of the punishment; and that there were instances of a commanding officer taking out his watch and ordering the lashes to be given at minute or half-minute time; so that a punishment which ought to have been over in five minutes, was made to last half an hour. He did not believe that there was a single Gentleman in the House, however strong his opinion might be, as to the necessity of retaining the power of inflicting corporal punishment, who would applaud the ingenuity of the plan which he had just described, and by which the punishment was rendered so much more severe; and who would not admit that such a practice ought to be discontinued. He called upon the noble Lord, therefore, if his Majesty's Ministers had arrived at the painful conclusion that the existence of corporal punishment was necessary to the discipline of the army, at least to take care that the new orders on that subject should be accompanied by a provision that the butcher-like operation should be performed in the shortest time possible.

Sir *Ronald Ferguson* had heard, with deep regret and astonishment, the statement of the hon. Member for Finsbury. If it was really true that such an occurrence had taken place as that described by the hon. Gentleman, let him name the officer, or let him communicate his name to the Horse Guards, and he would express a hope that his Majesty would strike him out of the army list without a Court-martial.

Sir *Henry Hardinge* certainly thought that, after the statement which had been made by the hon. Member for Finsbury, that hon. Gentleman would confer a benefit on the service and the country, and he would confer a benefit on the interests of humanity, if he would take the proper steps to denounce to the Commander-in-chief the officer, whoever he might be, who had been guilty of the conduct described. If the information which had been communicated to the hon. Member for Finsbury were correct, and if it could be proved that any officer had so misconducted himself, the indignation of the army and the country would justly fall upon that person, and the hon. Member would do an inestimable benefit to the military service, by letting it be seen who was the offending party. For himself, he (Sir H. Hardinge) could declare upon his honour, that he had never before heard of such a circumstance, and that he believed it to be almost impossible. He repeated, however, that if the information which the hon. Member for Finsbury had received was correct, that hon. Gentleman ought immediately to take the step which he (Sir H. Hardinge) had recommended, in order to remove so gross an imputation from commanding officers generally. He was sure that the noble Lord, the Secretary at War, would concur with him in his opinion.

Viscount *Howick* believed, from all he knew of the army, that the existence of such a case as that alluded to by the hon. Member for Finsbury was quite impossible. If the hon. Member did not speak from undoubted authority he was not justified in making the statement he had made. If he did, it was his duty to the country, to the House, and to the army, to proceed with the matter, and by bringing the individual under the notice of the Commander-in-chief, not alone obviate the evil for the present, but also prevent its recurrence for the future. With respect to the wish of the hon. Member, that the punishment should be inflicted in the shortest possible time, he (Lord Howick) could not agree with him in that view of the subject. He believed that it was more merciful to distribute the punishment over a comparatively long space of time than to give it all together. He believed that the reason why the discipline of the navy was maintained equally well with the army, but at a less amount of suffering, was, that when a man was flogged, the strokes did not succeed each other with such rapidity as when the punishment of flogging was administered in the army. In consequence of this arrangement it was expected that a man should be at his duty the next morning after he had been punished on board ship; whereas, in the army, no such expectations were ever entertained.

Mr. *Thomas Duncombe* stated, that at that moment he would not name either the party, or the authority on which he had made that statement; but with respect to the latter, he would declare, that it was an authority on which he fully relied. Would the hon. and gallant Member opposite, or would the noble Lord, the Secretary at War, say, that a commanding officer had not a discretion in his hands as to the manner in which a corporal punishment should be inflicted? He was glad to hear the opinions which had been expressed on this subject, and he felt it his duty to call on the noble Lord, the Secretary at War, to take care that there should be added to the new orders about to be issued from the Horse Guards, a direction that no discretion should be left in the hands of a commanding officer with respect to the time to which a given amount of corporal punishment might be protracted.

Viscount *Howick* distinctly denied that such a discretion existed; for no commanding officer was authorized to inflict punishment in an unusual manner. There was only one case in his recollection in which this rule had been violated. The occurrence took place in Ireland, and the officer in question had ordered the cats, before they were used, to be steeped in brine. And what was the result? The officer was brought to a Court-martial, and dismissed from his Majesty's service. If, then, an officer would take upon himself, so far to depart from established usage as to increase the time occupied in the infliction of the punishment, in order to increase its severity, he would, he knew, be brought to a Court-martial by Lord Hill instantly, and that if it were proved, that he had committed such an act, the result would inevitably be, that he would be dismissed from his Majesty's service.

Mr. *Cutlar Fergusson:* although he did not complain of the manner in which the hon. Member for Finsbury had discharged what he conceived to be his duty on the present occasion, he yet felt that it was impossible to leave the question in its present condition. Undoubtedly, before the hon. Gentleman had ventured to make his statement, he ought to have been prepared with proof of an assertion which implicated the character of some particular officer, and of the army itself. The hon. Gentleman ought to have been certain that the alleged fact was indisputable; he ought to have been certain that his authority was one on which he could implicitly rely, or he should have abstained from saying a word on the subject. Having brought that subject forward, however, the hon. Gentleman was now bound by every honourable consideration, to disclose in the proper quarter the name of the offending party, in order that the offence might be visited with due punishment; and that no stain should be left on the great body of commanding officers, or on the army. He trusted, therefore, either that the hon. Gentleman would give the necessary information, or, if he satisfied himself that the imputation was not well founded, that he would declare so in his place in that House.

Sir *Charles Dalbiac,* in reply to the hon. Member for Finsbury (Mr. Duncombe), begged to state that no commanding officer had the power of protracting punishments inflicted by order of Courts-martial except at the peril of his commission. He (Sir C. Dalbiac) was prepared to go farther than the right hon. and learned Gentleman (Mr. C. Fergusson) opposite, and to say that a stigma would remain upon every officer in command of a regiment until the charge made by the hon. Member for Finsbury were substantiated or refuted. Under these circumstances he would leave it to the honour and justice of that hon. Gentleman whether, on reflection, he would not think it right to disclose the name of the officer to whose conduct he referred.

The House divided on the Question that the Clause be brought up:—Ayes 62; Noes 135:—Majority 73.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Barnard, E. G.
Beauclerk, Major
Bish, Thomas
Blackburne, John
Bowes, John
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Butler, hon. Colonel
Conyngham, Lord A.
Curteis, Edward B.
Duncombe, T. S.
Dundas, hon. J. C.
Elphinstone, H.
Etwall, Ralph
Ewart, W.
Fancourt, C. St. John
Hastie, A.
Hawes, Benjamin
Hector, C. J.
Hodges, T.
Horsman, E.
Hoy, James Barlow
Hughes, Hughes
Hume, J.
Hutt, W.
Jervis, John
Lushington, Dr. S.
Lushington, Charles
Marjoribanks, S.
Mathew, Captain
Morrison, J.
North, Frederick
O'Brien, Cornelius
O'Connell, Daniel
O'Connell, John
O'Connell, Maurice
Parker, John
Parrott, J.
Pattison, James
Pease, J.
Plumptre, John P.
Poulter, J. S.
Pryme, George
Ramsbottom, John
Robinson, G.
Rundle, John
Scholefield, Joshua
Smith, Benjamin
Strickland, Sir G.
Talfourd, Sergeant
Thompson, Col. T. P.
Thornely, T.
Trelawney, Sir W.
Trevor, hon. Arthur
Tulk, C. A.
Warburton, H.
Ward, H. G.
Williams, W.

TELLERS.

Lennard, T. B.
Wakley, T.

List of the NOES.

Alsager, Richard
Angerstein, John
Anson, G.
Arbuthnot, hon. H.
Archdall, M.
Baillie, Col. H.
Baldwin, Dr.
Baring, F. T.
Baring, F.
Bell, Matthew
Bentinck, Lord W.
Berkeley, hon. F.
Blackburne, J. I.
Bonham, F. R.
Bradshaw, J.
Brudenell, Lord
Buller, Sir J. Y.
Burrell, Sir C. M.
Byng, G. S.
Campbell, Sir J.
Chaplin, Thomas
Clerk, Sir G.
Clive, hon. R. H.
Coote, Sir C. C.
Copeland, W. T.
Corry, hon. H. T. L.
Cowper, hon. W. F.
Cripps, Joseph
Crompton, Samuel
Dalbiac, Sir C.
Dalmeny, Lord
Donkin, Sir R. S.
Dunlop, J.
Eastnor, Viscount
Elley, Sir J.
Fazakerley, N.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, G.
Fergusson, rt. hon. C.
Finch, George
Fitzroy, Lord C.
Forester, hon. G.C.W.
Forster, Charles S.
Fremantle, Sir T. W.
Gisborne, T.
Gladstone, Thomas
Gordon, Robert
Gordon, W.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, Sir J.
Greisley, Sir R.
Grey, Sir G.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, Sir H.
Hay, Sir J.
Hay, Sir A. L.
Henniker, Lord
Herbert, hon. Sidney
Herries, rt. hn. J. C.
Hill, Lord Arthur
Hobhouse, Sir J. C.
Hope, hon. James
Hotham, Lord
Howard, R.
Howick, Lord
Jermyn, Earl of
Inglis, Sir R. H.
Johnstone, Sir J.
Jones, Theobald
Kerrison, Sir Edward
Knightley, Sir C.
Lawson, Andrew
Lefevre, Charles S.
Lennox, Lord G.
Lennox, Lord A.
Lincoln, Earl of
Long, Walter
Maclean, Donald
Macleod, R.
Mahon, Lord
Manners, Lord C.
Martin, J.
Maule, hon. F.
Murray, rt. hon. J.
Nicholl, J.
Norreys, Lord
O'Ferrall, R. M.
Packe, C. W.
Parnell, Sir H.
Peel, Sir R.
Peel, right hon. W. Y.
Pelham, hon. C.
Pemberton, Thomas
Pigott, Robert
Pinney, W.
Powell, Colonel
Poyntz, Wm. Stephen
Rice, right hon. T. S.
Rickford, W.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, R.
Sanderson, R.
Sandon, Lord
Scott, Sir E. D.
Sharpe, General
Sheldon, E. R. C.
Sibthorp, Colonel
Smith, hon. R.
Smith, Robert V.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Steuart, R.
Stormont, Lord
Stuart, V.
Surrey, Lord
Tancred, H. W.
Thomas, Colonel
Thomson, C. P.
Thompson, Paul B.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Twiss, H.
Vere, Sir C.
Vesey, hon. T.
Wilkins, W.
Williams, Robert
Wilson, Henry
Wodehouse, E.
Wood, C.

TELLERS.

Berkeley, hon. C.
Stanley, E. J.

The Report was received.

HOUSE OF LORDS,

Friday, April 15, 1836.

MINUTES.] Petitions presented. By the Earl of BRISTOL from various places, for the Alteration of the Ecclesiastical Court Consolidating Bill.—By the Archbishop of ARMAGH, from Armagh, against the Municipal Corporations' (Ireland) Bill,—By the Duke of CLEVELAND, from two places against the Punishment of Death for any other crime than Murder.—By the LORD CHANCELLOR, from various Places, for the Better Observance of the Sabbath.—By the Earl of WINCHILSEA, from the Graziers of various Places, for Relief.

WAR IN SPAIN.] The Marquess of Londonderry moved, pursuant to notice, for "a Copy of the Instructions sent to Lord John Hay by the Admiralty, relative to the war in Spain."

Viscount *Melbourne* said, it was contrary to all precedent, it was against every principle of policy, to produce and give to the world the instructions given to an officer as a guide in the performance of his duty. The production of such instructions would have the effect of pointing out to the enemy the circumstances in which the officer was placed, the destination of the force under his command, and all his intended proceedings, as authorized by his Government, in transactions of this nature. The motion was of a wholly and entirely novel character. If there were any noble Lord in that House who wished to co-operate with Don Carlos, he hoped that he would not receive the support of their Lordships. He hoped and believed, however, that none of their Lordships were desirous of co-operating with Don Carlos, and thereby acting contrary to the recognition of the Queen of Spain by his Majesty, contrary to the policy of his Majesty's Government, and contrary to the success of his Majesty's arms.

The Marquess of *Londonderry* was greatly surprised at the course adopted by the noble Viscount. He understood the noble Viscount yesterday to have said, in reference to Lord John Hay's communication, that it was not usual to produce private letters, but that he had no objection to laying the instructions before the House, and the noble Earl (Earl Minto) had made a similar statement. He repeated, that the noble Viscount distinctly stated to the House, that there was no objection to those instructions being produced. He was in the recollection of the noble Viscount, and he confidently asked him if such were not the fact? The noble Viscount, on that occasion, took his usual course; and, in his customary off-hand manner, gave that sort of off-hand answer which he had stated to their Lordships. On more than one occasion he had had reason to complain of that sort of proceeding. The noble Viscount seemed frequently to be guided by what occurred in another place; and, having stated his opinion one day, he came down to the House on the next with an entirely different decision. That was by no means an unusual thing with the noble Viscount. He should like to know and to understand whether the noble Viscount was really the first Minister of the Crown, and whether their Lordships could place implicit belief in the noble Viscount's answer when they asked him a question. He had yesterday given notice, that he would move for these instructions to-day, and he certainly did not expect that there would be any opposition to his motion. When he mentioned the subject yesterday, the noble Earl (the First Lord of the Admiralty) intimated that Lord John Hay's letter was borne out by the instructions, and, as he understood the noble Earl, that there was no objection to the production of those instructions. Now, he only wanted a copy of the instructions, so far as they applied to Lord John Hay's letter. He did not call for the instructions given generally to officers, with respect to the course which they were to pursue in the Spanish contest. What he wanted to know was, whether the instructions sent out by the Government warranted the letter of Lord John Hay? Was it fair, he asked, when he called for information of this kind, that it should be withheld? He wished to ascertain correctly, to what extent this country was pledged to assist in carrying on the war in Spain. Upon that point he was desirous of receiving information. They had on their table a copy of the quadruple treaty—that precious treaty, to which this country ought never to have been a party. After that treaty had been entered into, every step which they took with reference to the war in Spain ought to have been adopted in common with their allies, who were also parties to that treaty. Now it was very important to know whether that which had been done, and which he took to be equivalent to a declaration of war against the Carlist party in Spain, was done in concert with France, and whether France was likely to act up to the measures taken by this Government with reference to the Spanish contest? If so, he would ask the noble Viscount whether he was prepared to follow up the apparent views of the Government, by sending to Spain a force from this country? And further, whether France would, in the same manner, assist in prosecuting this war? Had the French Government, he demanded, agreed to do that? He believed that they had done no such thing. Louis Phillipe understood his true policy too well to adopt such a line of conduct. Upon these grounds he asked the noble Viscount, whether he was prepared to follow up those proceedings which his Majesty's Government had already sanctioned, and to let the country know in what situation it was placed, and what the people had to expect? The noble Duke (Wellington) had on a recent occasion very truly said, that the moment the British Legion landed in Spain, from that moment England had departed from her situation as a neutral power. If that were the fact, how much more had this country now departed from its neutrality by the instructions which had been sent out? In bringing forward this subject he had no cause at heart but the cause of his country. He had no desire except that of benefitting those unfortunate men who had been deluded by a weak and mischievous policy to leave their native shore for the purpose of embarking in this war. He was anxious to protect them; he was anxious that they should know whether their country was at war with the party of Don Carlos. He did not mean to quarrel with a declaration of war, if the proceedings of Government went to that extent. In fact, he would much rather that there should be an open declaration of war, than that this country should continue to act in that discreditable and disgraceful manner by which her policy, with reference to the affairs of Spain, had unfortunately been distinguished.

The Earl of *Minto* said, his noble Friend had been unfortunate in his misapprehension of what had fallen from him on the preceding evening. He had, on that occasion, made two statements. The one was that of the letter to which his noble Friend had alluded, he had no official knowledge whatever; and he at the same time stated, that the view taken by Lord John Hay, as contained in his letter, was, so far as it went, in conformity with the instructions that had been issued. That was what he stated. But he further observed, that the mere circumstance of their being instructions, gave a character to the document which rendered it impossible that it could be produced. The noble Marquess might not have heard him distinctly, but he appealed to his noble Friends around him whether such was not the opinion which he had expressed.

The Earl of *Rosebery* said, that from the situation he occupied when the conversation took place on the preceding evening, he could positively declare that the statement made by the noble Earl was perfectly correct. The noble Earl distinctly stated, in the first place, with regard to Lord John Hay's letter, that it was private; and, with respect to the instructions, that it was impossible to grant them. He thought that the noble Earl added (but of this he was not quite certain) that he could not produce the instructions, because they were instructions, and it was not customary to produce official documents of such a nature.

Viscount *Melbourne* said, when the noble Marquess put the question to him on the preceding evening, he replied, that the impression on his mind was, that the letter was in the possession of the Admiralty, and he believed that there would be no objection to its production. On that point, however, his noble Friend, the First Lord of the Admiralty, immediately corrected him. With respect to the instructions, not a word was said about them. They were first introduced in the noble Marquess's notice of motion.

The Earl of *Harrowby* did not understand what the noble Viscount meant by his allusion to noble Lords who might be anxious to co-operate with Don Carlos. He conceived that any noble Lord had a right to call for that sort of information which the noble Marquess required, without laying himself open to such an imputation. He was neither Carlist nor Christino; and he wished to God they had never heard of those distinctions; but he could not avoid thinking, that it would have been more for the interest and for the honour of this country, if the Government had acted with more decision. The course which they had pursued was so perfectly ambiguous, that it was impossible to understand it. One point worthy of notice was, that they were at the present moment in a state of war, without having declared war. Further, they were in a state of war, but, strange to say, they did not know with whom they were at war. He wished the noble Viscount to give them some explanation on that point, and to inform them whether, in future, they were to confine themselves strictly to the terms of the quadruple treaty; which having been entered into, ought to be faithfully fulfilled, but which he wished to God had never been contracted, since it had been the means of placing this country in a situation without precedent or example in the history of Christian nations.

Viscount *Melbourne* disclaimed having imputed to any noble Lord a desire to co-operate with Don Carlos. On the contrary, he said, that he trusted—nay, that he put his full confidence in the correctness of his feeling—that no Member of their Lordships' House harboured any desire to co-operate with Don Carlos; and he did not attribute any such intention to the noble Marquess in calling for those instructions. He placed full confidence in the august and noble assembly which he had the honour to address, and he imputed not to any of them such a disposition as that to which allusion had been made. With respect to the situation in which this country now stood with reference to Spain, he did not mean to assert that they had not passed beyond the strict line of neutrality. It was clear, as had been stated by the Noble Duke (Wellington), that after the quadruple treaty had been entered into, after an armed intervention in the affairs of Spain had been admitted, after armaments had been sent to that country, they were, *pro tanto*, enemies to a party in that country, and in a state of warfare with that party. All that he had to say upon this point was, that the course which had been taken by his Majesty's Ministers, the instructions which had been sent out, and the proceedings which had been adopted, were perfectly within the bounds, limits, and terms, of the quadruple treaty. How much further it might be necessary to go he was not now prepared to state. That was for the consideration of his Majesty's Government, and must be governed by circumstances as they arose. This, however, he would say, on the part of the Government, that they were in the strongest degree impressed with the duty and necessity of putting an end, as speedily as possible, to the lamentable contest which was now being carried on in Spain. Every consideration of policy, and every consideration of humanity, induced them to use their efforts to bring this contest to a termination.

Lord *Abinger* said, the noble Viscount had correctly stated, that he had expressed his confident belief that no noble Lord wished to co-operate with Don Carlos. But the noble Viscount had forgotten, that he had preceded that observation by saying, that "if any noble Lord harboured such a wish, he hoped that the House would not go along with him." That did appear to imply a suspicion with respect to the motives by which some noble Lords might be actuated.

The Marquess of *Londonderry* referred to the 4th article of the quadruple treaty, and asked, whether France was a party, under that treaty, to the new arrangements made by his Majesty's Ministers?

The Earl of *Minto* said, the article did not bear the construction which the noble Marquess put upon it. It related merely to a supply of arms and ammunition on the part of this country, and also to the co-operation of a naval force, for the purposes specified. It had nothing to do with the proceedings of any other state whatsoever. It merely bound this country to afford certain aid to the Spanish Government.

The Marquess of *Londonderry* said, they could easily perceive, from Lord John Hay's letter, what was the extent of the instructions sent out from the Admiralty. Lord John Hay said, "he had received orders from the Government of his Britannic Majesty to afford the most active and efficacious co-operation in preventing the fortresses on this coast, which display the flag of Queen Isabella II., from falling into the power of the troops of the pretender, and also in retaking from the rebels such of those places as may have already fallen into their hands." Now, this he looked upon as an actual declaration of war, and he wished to know whether France participated in it?

The Earl of *Minto* said, the instructions did go to an active and efficacious co-operation with the Spanish Government, so far as our naval force was concerned, but no further. A co-operation of our naval force —a co-operation of British seamen and marines—which was, in its nature and essence, a naval co-operation, was authorised —but nothing else.

The Marquess of *Londonderry* said, there were two distinct points in the letter of Lord John Hay, founded upon the instructions sent out. Lord John Hay said, "I have orders to aid and protect all the operations which your Excellency (General Cordova) may think proper to undertake on this coast. I have also to inform your Excellency, that all the ships under my command have received instructions to take on board troops of her Majesty Isabella II., and to convey them to any points on the coast." Was not this more than a naval co-operation?

Motion negatived.

RAILWAY BILLS.] The Marquess of *Lansdowne* moved, that their Lordships take into consideration the Resolutions of the House of Commons on the subject of Railway Bills. He had already adverted to the line of inquiries which the House of Commons had pursued, and to the great extent of property now invested in Railways, and pointed out the necessity of an accurate preliminary inquiry, before their Lordships sanctioned by their approbation any of the numerous plans which had been brought before Parliament. He proposed to their Lordships to give their sanction to the resolutions which had been adopted by the other House which insisted on the necessity of a more particular inquiry into all the circumstances detailed in application for Railway Bills. If their Lordships adopted those resolutions, it would relieve the parties to such bills as were approved of by the House of Commons, of a serious expense. He proposed that their Lordships should enjoin their Committees to look into the Reports of the House of Commons to be satisfied that proof had been given of the matters required. Such a course of proceeding would save the parties from much expense; but many very important suggestions, in addition to those that were to be found in the report of the Select Committee of the House of Commons had been thrown out, which, as regarded future Bills, their Lordships might adopt. One of these was, that a proportion of the sum subscribed for these works should be paid into the Bank of England. Another suggestion, and one well worthy of consideration, was, whether any plan could be devised to secure the inquiry of an experienced engineer with reference to any proposed railway, either by the Government or by the parties interested, provided that the opinion given by him should have a perfectly impartial character. If that object could be obtained without incurring any enormous expense, he thought that it was one which it was most desirable to accomplish. It would have the effect of enabling parties to ascertain, before they adopted a line of road which possessed certain merits, whether there was not another line the merits of which were still greater. Such a survey, he feared, could only be carried on under the authority of Government or Parliament, but if it could be accomplished, it would be particularly serviceable in Ireland where few projects of this description were as yet set on foot. Another suggestion was, that all those railways should ultimately become public property. To that proposition he could not agree, because it would have the effect of debarring individuals from proceeding with works of this nature. Such a plan could not be carried into effect unless Government took another step, and became parties to these undertakings. Such was the case in America, where the local governments were frequently shareholders. From the impetus which had been given to the construction of these great public works, arising from the wealth and intelligence of the country, an impetus which was hourly increasing, it became necessary for the Legislature to look with care and vigilance to the probable success of such undertakings. With that view he should move, " That this House agree in the principle of the Resolutions assented to by the House of Commons on the subject of the proceedings relative to Railway Bills: that Committees should be appointed to consider such Bills—to inquire into the practicability of carrying the plans into effect, as stated in the Resolutions of the House of Commons—and to require such further information as may be deemed necessary."

The Earl of *Ripon* was not aware that any opposition could be raised against the motion. He was anxious that proper security should be extended to the private rights of those whose property was likely to be affected by Bills of this description in future. That point alone afforded sufficient reason, in a constitutional view, to induce that and the other House of Parliament to examine the details of these Bills with scrupulous vigilance. In one respect, and a very important one, a better system of regulation might be adopted. He spoke of the degree of notice that ought to be given to the proprietors of lands or houses through whose property it was intended that a railway should pass. As the resolutions stood at present, it was only necessary that the projectors should lodge in the office of the clerk of the peace a plan of the intended railway on or before the 30th of November. But the projectors were not required to give any notice whatever to the proprietors of lands or houses whose interests might be seriously affected by the work. The fact was, that in many instances grievous injustice, almost amounting to fraud, had been inflicted on parties who were incited to subscribe to undertakings of this description, before any understanding had been come to with individuals whose property was likely to be affected. With respect to the owners of land and houses, they were frequently placed in a very invidious situation. The projectors of a railway pledged themselves, in the first instance, without applying to the proprietors, to pursue a certain line, and the latter were compelled either to give their assent, however much against their will, or if they resisted the proposition, they were exposed to obloquy as the opponents of a work of public utility and convenience. He would, therefore, say, that a notice of six weeks or two months should be given to every landowner and householder before any plan by which their property was likely to be affected was proceeded with. It was proper that such fair notice should be given before the property of individuals was seized upon.

Lord *Hatherton* regretted, that there was no code with respect to railroads, and thought it desirable that the House should direct its attention to the subject with a view of supplying the deficiency. With reference to what had fallen from his noble Friend as to the notice to be given to the clerk of the peace of each county he begged to remind him that it was also necessary that notice of the intention of the parties to apply for an Act of Parliament should be given in each county newspaper, describing the line of road, and mentioning the parishes through which it was to pass. He had no objection to further notice being required.

Lord *Abinger* objected to the adoption of the resolutions at once. He did not think that it was expedient to depart from the ordinary course of examining witnesses on oath before a Committee of their Lordships. He did not think that it would be so satisfactory to rely upon the second-hand evidence obtained from the Commons to examine the witnesses.

The Duke of *Wellington* concurred in the objections stated by his noble Friend (Lord Abinger) and most decidedly objected to any departure from the usual mode of carrying on the business of their Lordships' House.

The Marquess of *Lansdowne* observed, that it was by no means his wish that the Committee should depart from the usual mode of taking evidence, and the resolution he had proposed, far from imposing upon them the adoption of such a course, merely imposed upon them a little additional duty. It merely gave them a power which he had no doubt they would exercise with that regard to justice which had ever characterized the proceedings of Committees appointed by their Lordships.

Lord *Abinger* objected to its being understood that their Lordships would be satisfied with second-hand evidence taken before a Committee of the House of Commons.

Lord *Hatherton* would suggest that the noble Marquess should postpone the consideration of the Resolution until Monday next.

Further consideration of the Resolutions adjourned.

STAFFORD BOROUGH DISFRANCHISEMENT.] The Marquess of *Clanricarde*, in rising to move the second reading of the Bill to disfranchise the borough of Stafford, assured their Lordships, that he would trespass upon their time but a very few minutes. It was now a matter of the greatest notoriety, that that borough was identified with the most unparalleled corruption, not only with reference to past offences, but also as to the particular instances which had more immediately led to the introduction of the present Bill into the Houses of Parliament. It was generally hoped and believed, that the passing of the Reform Bill would tend greatly to abolish the practice of bribery and corruption at elections, but that great measure had entirely failed in having any salutary effect whatever upon the borough of Stafford. It appeared, on the contrary, from evidence upon their Lordships' Table, that that borough possessed even less political virtue since the Reform Bill had become the law of the land than before. Petitions were presented to the House of Commons, on the 7th and 18th of February, 1833, complaining of the last election for Stafford, and that House appointed a Select Committee to inquire into the truth of the allegations contained in them. The result of that inquiry, as contained in the report of the Committee, was, that they stated "their unanimous opinion, that corrupt practices prevailed throughout the whole course of the last election for the borough of Stafford; and that the bad character for bribery and corruption, which common report had for a series of years imputed to the constituency of that borough was, on the last occasion, amply and consistently supported; that it appeared to the Committee, that the evidence taken before them, established a case of such open, general, and systematic bribery and corruption, that it was expedient, that the borough of Stafford should cease to return Members to Parliament; and that the Chairman should be requested to move for leave to bring in a Bill to disfranchise it." Such a report as that ought of itself to be sufficient authority for the Bill now before their Lordships. But that was not the sole evidence of the necessity for the present measure, for their Lordships had appointed a Committee up stairs, before passing the Stafford Witnesses' Indemnity Bill, before whom several witnesses had been examined upon oath. The Committee unanimously reported that bribery prevailed to a great extent in the borough of Stafford. With respect to the last election, he would not admit, that there prevailed no bribery, but he was willing to allow, that corrupt practices were not so general as at former periods. With the evidence which their Lordships had already within their reach, he could not imagine what object would be attained by hearing witnesses at their Lordships' bar, except that of defeating, by delay and expense, the Bill, which he now proposed might be read a second time.

Lord *Lyndhurst* said, if the allegations of the Bill could be sustained, he should be as willing as the noble Marquess himself to disfranchise the borough of Stafford; but he must request their Lordships not to depart, on the present occasion, from that course of proceeding which they had adopted in all similar cases. If they did, they would be establishing a precedent which might be applied to proceedings differing very materially from that to which their Lordships' attention was now called. It had never been their Lordships' practice to disfranchise any borough, except upon evidence given on oath at the Bar of that House; and he begged to remind their Lordships of the fact, that in the present instance the corporation of Stafford had caused a petition to be presented, praying to be heard by Counsel against the Bill, and in opposition to the allegations made by the noble Marquess opposite. He objected to their Lordships receiving the evidence of a Committee of the House of Commons, and for this reason, that it had not been given on oath, and because he knew instances of cases made out, and reports founded on such evidence, which could not be sustained before their Lordships, when the witnesses were examined on oath. The Warwick Disfranchisement Bill was a case of that kind; and so completely did it fail, that not a single Member of their Lordships' House could be found to oppose the rejection of that measure. He would mention another and more recent case of a similar description. Last year a Committee of the House of Commons, after hearing evidence, were so satisfied that bribery had been committed by certain parties, that his Majesty's Attorney General was directed to institute prosecutions against the guilty persons. Those prosecutions had lately been heard at the last Assizes for the county of Norfolk, and those against whom the charges had been proved before the Committee, were tried in the presence of a Jury of their countrymen, and that Jury was completely satisfied, even without calling upon them for defence, that they were wholly guiltless of the offences of which they were accused. And yet their Lordships were called upon to vote for a Bill for the disfranchisement of a borough upon evidence such as that. Again, he could not proceed to pass that Bill unless bribery and corruption were fully made out at the last election, for what was the course pursued in the case of Warwick, as in other cases? Positive directions were given by the House to confine the evidence taken upon the case to the last election, evidently implying, that unless bribery were proved at the last election they would not pass the Bill. After the observations which he had made, their Lordships must be satisfied, that the evidence was not sufficient to enable them to pass the present Bill; that it was not sufficient, first, because it was not upon oath; secondly, because the oldest as well as most recent experience proved that such evidence was not to be trusted. But the noble Marquess had stated, that there was further evidence, evidence before a Committee of that House. Upon that point he could only say, that the evidence was liable to the same objection as the other evidence, because it had never been the practice of their Lordships to proceed to the disfranchisement of any borough except upon evidence heard at the Bar upon oath. If he was sitting there judicially, upon a question of depriving certain persons of any civil rights, he, for one, should first of all wish personally to hear the evidence upon which that deprivation was to be made, because circumstances might arise which would induce him to put questions, the answers to which might alter materially his view of the case; and, as a Judge then, he would not proceed to pass this Bill unless upon further evidence. In alluding to the evidence that had been produced, the noble Marquess appeared to forget that the whole was an *ex-parte* proceeding—that the parties who were accused were never called upon, never had an opportunity of meeting the charge, or of cross-examining the witnesses. Had their Lordships ever heard of a criminal proceeding against persons who had not the means of defence, with no opportunity of cross-examining witnesses—a criminal proceeding upon mere *ex-parte* evidence? Was that the idea of justice entertained by the noble Marquess—an hereditary Judge and Legislator? But further, who were the witnesses upon whose evidence the charge rested? Their Lordships would be astonished when they learnt that he had looked at the report, and had not been able to find the name of a single witness—it was all anonymous. He could never then bring himself to consent to the disfranchisement of any borough upon evidence of that nature. But what was the evidence itself? It contained some statements so incredible in themselves, of a character so extraordinary, that he, for one, must withhold his belief of them until at least they had been more completely established. Why, in that evidence a case of the grossest bribery and corruption was made out against his Majesty's present Attorney General. Would he then assume that charge, that accusation, to be completely established without affording to Mr. Attorney General the opportunity of appearing at the Bar of that House to defend himself from a charge so grave? He was making no rash and unfounded assertion. He would read to their Lordships that part of the evidence to which he had alluded. It was described in the report as the evidence of a solicitor, no name whatever being given. The extract was to the following effect:—

"Have you any knowledge of any bribery or corrupt practices having taken place at the last election, or at any previous election for Stafford?—Not at the last; but at Sir John Campbell's, in 1831. Do you live in Stafford?—I live within the new borough. What are you?—I am a solicitor by profession. Do you know of voters being paid?—I paid them myself at Sir John Campbell's election. In what interest were you?—In Sir John Campbell's. How many did you pay?—531 out of 556. What was the sum of money paid?—3*l.* 10*s.* for a single vote, and 6*l.* for a plumper. Did you pay every voter?—There were 556 voters, and 531 were paid. I paid them directly after they voted a part of the money. Was it promised them beforehand?—Yes."

That solicitor, then, clearly imputed to the Attorney General the infamous crime of bribery and corruption. He would now read to the House part of the evidence of another anonymous witness, described as a banker, long resident at Stafford. The evidence of this witness was to the effect that at Sir John Campbell's election he (Sir J. Campbell) had drawn largely upon their bank, in small notes and coin, and especially in silver, altogether to the amount of between 2,000*l.* and 3,000*l.*, and that there had been at the time no entertainment to account for it. So far, then, as related to the evidence itself, it was impossible for their Lordships to proceed, upon it alone, to the disfranchisement of this borough. It would be contrary to every principle of justice to deprive persons of their civil rights upon charges from which they had had no means of defence, and upon the testimony of witnesses whom they had had no opportunity of cross-examining. Upon those grounds, then, whatever might be his opinion with respect to the facts of the case, he protested strongly against proceeding with that measure contrary to their Lordships usual practice, and contrary to all justice. Upon those grounds, he could not consent to the second reading of the Bill, unless evidence were first heard at the bar of that House. The noble Lord opposite had, in a manner, suggested that there existed bribery and corruption to a certain extent at the last election. It was not necessary for him (Lord Lyndhurst) to say that there was no evidence of such being the fact. But if that was true, the noble Lord's course was short and clear. Witnesses might be called to the bar, the case proved, and all opposition must then fall. Until, however, that course had been pursued, he could not feel it his duty to vote for the second reading of the Bill. He could assure their Lordships that he had no disposition, no wish, no interest, either personal or political, to screen the borough of Stafford from the effects of its delinquency; but he had an interest in supporting the rules and usages of that House, and preventing the establishment of unjust and dangerous precedents.

The Duke of *Wellington* said: having been distinctly referred to by the noble Lord for the part which I took with respect to a Bill introduced on a former occasion, having reference to the borough of Stafford, I feel it to be my duty now to offer to your Lordships a few observations. A Bill was sent up to your Lordships from the other House of Parliament, to enable a Committee of the House of Commons to administer oaths to certain witnesses examined before the Committee of the other House of Parliament, appointed to inquire into a matter of bribery in the borough of Stafford. Your Lordships thought fit to send that Bill to a Committee above stairs, and I was one of the members appointed upon that Committee. Your Committee, my Lords, examined witnesses in order to see whether it was fitting that they should recommend the House to pass that Bill, which was no more than a Bill to enable the Committee of the House of Commons to examine on oath. [A noble *Lord:* To indemnify witnesses.] Yes, to indemnify witnesses—that was the object of the Bill; I had mistaken. Your Committee, my Lords, having heard evidence upon the matter before them, agreed to the proposition made to them, and the Bill was then sent down to the House of Commons. That House, however, proceeded no further upon the Bill, and there the matter dropped. All I have to say, then, on that point is, that I consented to that Bill, founded upon the evidence which I heard given before that Committee; but if that had been a Bill of pains and penalties against the borough of Stafford, I should have required evidence to prove the guilt of the borough of Stafford at the bar of this House, evidence quite different from that which was given before the Committee. Subsequent to that transaction the House of Commons sent to your Lordships another Bill, having for its object the prevention of bribery and corruption; that Bill was likewise referred to a Committee up stairs, of which I had the honour to be a member. The Committee entered deeply and anxiously into the question before it. The noble Lord then on the Woolsack, the noble Viscount opposite, the noble Lord, the President of the Council, and many other noble Lords, were attached to that Committee, and they framed a Bill, by which a method was pointed out for trying the question of bribery in future, and which contained a clause to enable the Commissioners appointed under the Bill to try the particular case of Stafford. I mention the fact, my Lords, to prove to the House that that second Committee never considered the case of Stafford concluded by the former Bill, for they inserted a clause to give the Commission formed under the new Bill, to which I have adverted, power to try this very case of the borough of Stafford. The House of Commons did not think proper to pass that measure, but not having thought proper to pass it, it cannot be argued, that this House, and above all, that I am bound by the evidence which was taken before the Committee, and must now vote for the second reading of this Bill. I entirely agree with my noble Friend who has just addressed the House. I have attended many Committees and inquiries before this House, but I never feel more pain than in attending these inquiries. The House is aware that they are inquiries upon Bills of pains and penalties, and grievous it will be for the subjects of this country if Bills of pains and penalties are to be allowed to pass this House before evidence has been heard at your bar, to prove the guilt of the party against whom the Bill is directed. For these reasons, my Lords, I cannot agree to pass this Bill unless evidence is produced at the bar of your Lordships' House to substantiate the charges upon which it is grounded.

Lord *Holland* said, it was not his intention to follow the noble Duke through his speech, but there was one point to which he would call the attention of the House, and upon which he entirely differed from the noble Duke. The noble Duke had contended that this was a Bill of pains and penalties, and, proceeding upon that assumption, had argued with great fairness and justice; but he (Lord Holland) contended, that in no sense was the Bill a judicial proceeding—in no sense a Bill of pains and penalties. With the original Committee, undoubtedly, as the noble Duke had rightly argued, the present matter was not concluded; but then there was no reason for further evidence. This was not a question of private interest, but of vast public importance. If then they would save the House of Commons from becoming a repository of bribery, corruption, and contamination, they would pass this Bill for the disfranchisement of the borough of Stafford, against which such flagrant delinquency had been proved. He thought he could show to their Lordships that the custom which prevailed of hearing evidence at the bar had originated in a mistake, by the first Bill of this nature having been mixed up with a real Bill of pains and penalties, viz., a Bill which charged certain persons with a crime, named the persons so charged, and allotted the punishment, not only by the loss of franchise. [*Hear.*] Noble Lords cry out "Hear,"—they would do well to hear me out. The loss of franchise, the noble Lord continued, might be a punishment, though it was not the loss of property. He never would allow that the franchise was property, and the argument which maintained it to be property would be the greater inducement for the adoption of universal suffrage and vote by ballot. It was not property, but a trust; and, without referring to the Reform Bill, but referring to the Crown itself—referring to the House of Commons—it was clearly proved that a trust was revocable upon gross and frequent violation. The forms of that House as a Legislature, were different from its judicial usages. There were undoubtedly some Bills which partook of a judicial nature, as Bills of pains and penalties and private Bills; and the House had laid down for itself two different modes of proceeding. In those of a judicial nature the House was bound by those strict rules of evidence and law which had been found necessary for eliciting the truth; but in legislative measures such was not the case. He did not mean to say, that there were not cases of legislative enactments, upon which evidence was heard at the bar; but then they were those in which private and individual interests were concerned. If this measure had been a Bill of pains and penalties it would have been in this, as in all other cases, the undoubted right of the subject to defend his property; but it was not one of that nature, and fortunately not so, because, had that been the case, that House might have been held out as the great obstacle to getting rid of bribery and corruption. Those Bills were, however, not such as to place them in that condition. The nature of the evidence which was before the House would, he contended, justify that House in passing this Bill; and, looking upon the proceeding as a legislative, and not a judicial one, he could have no hesitation in voting for the second reading.

Lord *Ashburton* was desirous of troubling the House with only a few observations upon the present question. The noble Lord who had just sat down was quite ready to pass the present Bill, with no further evidence than that taken before the Committee, and the general notoriety. That was a conclusion to which he (Lord Ashburton) at least could not come, and to which, likewise their Lordships, he was sure, would not assent. The noble Lord had argued that this Bill was not a Bill of pains and penalties, not a Bill to deprive a subject of his property. If it were not that, it was a measure which would deprive many individuals of what was of much more value than property, in its more vulgar meaning, as connected with the pocket. If a Bill were brought into Parliament to divest their Lordships of their titles and dignities, with what reason could it be argued that it did not take away any of their property, that it was no Bill of pains and penalties? Their Lordships well knew that in many countries the deprivation of civil rights was a legal and ordinary punishment; and if that was the case with individuals, it was equally so with towns; for every one was influenced by a sort of attachment to the place of their residence, and felt a lively interest in its dignity and importance, and would be sensibly affected by the disgrace and slur thrown upon it by the loss of any of its privileges. When, then, a constituency were deprived of any of their civil rights, was it enough that they should be told that the ground of their deprivation was the general notoriety of their delinquency? But he did not rise for the purpose of meeting the noble Lord's argument; for, before that House, it was useless to occupy time upon the subject. His main object in rising was to learn what precisely was the state of the town as respected its inhabitancy, and the possibility of framing a proper constituent body —to learn, supposing the delinquency to have been proved, whether that was the proper remedy which was proposed by the present Bill. Under the old state of Parliamentary Representation, whenever cases of bribery in the close boroughs were brought before the House, he almost invariably voted for the disfranchisement, which he thought then a remedy applicable to the evil; but he entertained now, under the new system, very great doubts as to the propriety of such a course; because the Irishman, who took down into the country 3,000*l.* or 4,000*l.*, would then have it in his power to place any town in England in the same predicament as the borough of Stafford. The legislature dare not deal with cases of large towns as Liverpool and Manchester; to them it could not apply the principle of disfranchisement. If, then, all those towns thus open to every rich tempter, were to be disfranchised, the House of Commons would be left composed of the Members of counties, and of large manufacturing towns, without that exceedingly useful part of the representation, the Members for moderate sized towns. He (Lord Ashburton) had no doubt that there had been great bribery in the borough of Stafford. He would not say that his feeling was one of such strong conviction as to render further evidence unnecessary; but he did entertain very serious doubts as to the fitness of the remedy proposed. He was anxious to know the actual state of the borough, to know whether it was possible to provide a pure and proper constituency; he did not mean that, if it could be proved that the borough continued in a course of bribery, so as to become hopelessly corrupt, and the very walls and stones be contaminated, it should not be disfranchised; but the rich man was the one who ought to suffer; and when those tempters and bribers had been taught a severe lesson it was likely that the towns would become less corrupt. He had been extensively concerned in electioneering proceedings; and in the western counties of England, where great corruption had prevailed, he had seen towns entirely converted, and become afterwards as pure as any in England—towns which, if they had been proceeded against, as it was desired to proceed against the borough of Stafford, would have been now locked out from any share in the representation of the country. He thought the House ought not to proceed without further information. It was well known that in the case of a common Railroad Bill they would not proceed without hearing evidence upon oath; and why, then, should they proceed in a case of disfranchisement without equally strong evidence? This was the only way in which substantial justice could be done.

Lord *Holland* explained, and to prove the former state of the borough of Stafford, adverted to an anecdote which he had frequently heard from Mr. Sheridan himself. Mr. Sheridan, as was well known, had represented the borough of Stafford. On one occasion, when the election was over, he and a party of his friends and supporters, met a body of the electors at dinner. After dinner the toast of "Parliamentary Reform" was proposed—a toast at which, as Mr. Sheridan used to observe, he trembled, fearing it would not be popular in such a place. His astonishment and delight were very great, however, to find it received with the utmost enthusiasm. When it had been drunk, a gentleman of Stafford rose and said, that it had afforded him the highest gratification to hear that toast proposed, for, under the existing system, there were in the House of Commons some men so mean, so base, so lost to all sense of decency, as to suffer themselves to be elected without putting in the pockets of their voters even a single half-crown.

The Earl of *Winchilsea* could not consent to deprive a large body of his fellow-countrymen of their rights, unless the guilt alleged against them were proved and substantiated beyond the possibility of doubt. Notwithstanding the assurance of the noble Baron, the present measure did seem to him to be a Bill, and a very severe Bill, of pains and penalties. It was many years since the evidence had been first taken, and he was not yet sure but that an entirely new constituency might have since arisen in Stafford; in which case, if they proceeded without additional information, they would actually be punishing the present generation for the sins committed by their fathers.

The Lord *Chancellor* observed, that although many noble Lords had objected to the second reading of this Bill, yet not one noble Lord had proposed any other course of proceeding.

Lord *Lyndhurst* thought he had given notice of his intention to move that counsel should be permitted to attend at their Lordships' bar to examine witnesses in support of the preamble of the Bill, and that the petitioners should be heard before the second reading.

The *Lord Chancellor* continued: this was a most unfortunate case, certainly, for those who contended that the elective franchise was not to be considered in the nature of property; for, judging from the Report of the Committee of the House of Commons, it clearly appeared that those who enjoyed the elective franchise at Stafford had taken great care to convert it into property. The evidence supported this conclusion. One witness was asked to name any individuals who had given their votes without having been bribed; and after a great deal of hesitation and difficulty, he mentioned the names of five persons who, as he believed, had not been bribed; but he could only name those five. Now that representation might be false; still their Lordships could not avoid taking one of two courses. They must either agree to the second reading of this Bill, or else they must take some steps to acertain whether that statement were true or not. Another witness was asked whether he thought that a large portion of the electors had been bribed, and his answer was, that a large majority of them had been so. He was then asked, "To what extent—from seventy-five out of 100?—Answer: No doubt of that.' Question: Ninety-five out of 100?—Answer: Not quite so many as that; but I have not come prepared with an arithmetical statement, and therefore cannot say whether the proportion is seventy-five or ninety-five out of 100." Surely evidence of such a description called for some measure on the part of the Legislature. But whatever course their Lordships might pursue, he was most anxious that there should be no misapprehension as to the principle on which this Bill was brought forward, or the terms which had been applied. Some of their Lordships had designated it as a Bill of pains and penalties. He denied that it was so, if he understood those terms. It was true such bills had, to a certain extent, been so dealt with on former occasions, when the parties who would be affected by their provisions were allowed to be heard at their Lordships' bar; but it was impossible for any noble Lord constitutionally to contend, that a Bill to disfranchise a whole borough, on a general principle of Reform, was such a bill of pains and penalties as to require a case of individual delinquency to be established upon oath, before the Legislature could justifiably pass it. If, for instance, Parliament should think that, in a particular part of the United Kingdom, certain individuals who were called forty-shilling freeholders were persons who ought not to be intrusted with the elective franchise, because they were too much exposed to be corrupted by bribery and undue influence, would a Bill depriving those persons of the franchise be a Bill of pains and penalties? If so, what were their Lordships in that case to do?—were they to have all those individuals brought to their Lordships' bar for examination? That was a course for which no one would contend, and yet where was the distinction between a Bill of such a description and the Bill now before their Lordships? The forty-shilling freeholders, no doubt, appreciated both the honour and the advantage of exercising the elective franchise, and yet their disfranchisement was never called a Bill of pains and penalties. Why, then, was a Bill applicable to a particular town only to be considered so? The elective franchise was not to be considered as property in any other light; for beyond all question, it was a public trust. It was a trust reposed in a certain class of individuals to be exercised for the benefit of the public. If they ceased to use it for the public benefit, then the Parliament had a right to deprive them of the power confided to them. It was in this light that Bills of disfranchisement had always been considered, and he did not think it would be wise, or just, or expedient, after the length of time which had elapsed, and the various instances that had occurred, during which Bills of this description had been so considered, for Parliament now to depart from that course. There was nothing contained in the evidence relating to the case of the borough of Stafford so peculiar in its nature as to justify any departure from the course which Parliament had hitherto invariably pursued.

Lord *Abinger* observed, that almost all former Bills of this kind had been considered in the nature of a punishment for misconduct on the part of the voters. Now, men ought not to be punished for an offence without having a fair trial. In this case the electors of Stafford had not had an opportunity to cross-examine the witnesses produced before the Committee of the House of Commons. There was something rather mysterious in the proceedings of the parties who promoted the inquiry before that Committee. They first petitioned against the return of the sitting Members; they afterwards abandoned that petition, and then instituted a Parliamentary inquiry into the corruption that took place at the election of the sitting Members. He never could understand why those parties allowed the sitting Members to retain their seats, which they affirmed were obtained by corruption, and yet afterwards made application for a Committee to inquire into that corruption.

Lord *Lyndhurst* begged to move, by way of an amendment, that all the words in the motion after the word "that" be left out, and the following words added:—"This House do proceed with the examination of witnesses to prove the preamble of the Bill; and that, before the second reading of the Bill, the petitioners, being electors of the borough of Stafford, be heard by themselves, counsel or agents, on the matters contained in the said petition."

The Marquess of *Clanricarde* was not disposed to agree to the proposition of the noble and learned Baron who had just sat down. The noble and learned Baron had observed, that the Bill was a Bill of pains and penalties; but he looked upon it as a necessary measure of reform, called for by misconduct on the part of the electors of the borough of Stafford. It had been proved to his satisfaction, and to the satisfaction of many noble Lords, that bribery, to a great extent, prevailed two or three years ago in the election for that borough; and, therefore, the borough ought to be reformed, and the right to return Members be taken away from it, for the purpose of improving the constituency of England. If the Bill were a Bill of pains and penalties, the parties would never have the right of voting again in England, let them reside in what part of it they might; but if the franchise of Stafford were taken away, any one of the electors possessing property in Yorkshire, or Middlesex, or any other part, would have the elective franchise, and exercise it accordingly. What principle would their Lordships establish, if they said that evidence, given before a Select Committee, was not entitled to the same credit as if it was delivered on oath at the Bar of this House? Why give those Committees power to examine witnesses upon oath, if not to legislate upon the evidence taken before them? He thought the evidence was of such a nature as to satisfy every person, of whatever party he might be, that the case of Stafford was not of a judicial nature. The franchise was a trust, as the privileges of their Lordships were a trust, and they were liable to reform. [Lord *Lyndhurst:* not without being heard.] He was not sure of that. How were the Irish and Scotch Peers heard at the time of passing the Act of Succession? Did any one think of calling the Duke of Savoy to the Bar of the House? Indeed, he had been informed that the Duke applied to be heard, and was refused. In instituting this comparison, he had an authority, always admitted of great weight with this House, that of the late Lord Liverpool, who was no rash reformer. Lord Liverpool said, he considered the right of election to be held, not for private benefit, but as a public trust, he admitted that it was an advantageous privilege to the individual who enjoyed it, and for that reason he would never vote for the disfranchisement of any borough on the ground of expediency alone, although, if a case of corruption should be proved, he would have no hesitation in giving his vote for disfranchisement. It was the same with the rights of their Lordships; as Peers, they held their seats, not for their own benefit, but for the benefit of the public; and if they abused that privilege, they were liable to be deprived of the privilege, the same as the electors of a borough, if they abused the elective franchise. That was the question at issue between the noble and learned Baron and himself. He was sorry to see any disposition on the part of the House to agree with the noble and learned Baron in calling for evidence. His opinion was, that sufficient evidence had already been given, and that both time and money might be saved in proceeding at once to pass this Bill. The noble and learned Baron said, he wanted to know whether a new and good constituency might not now be obtained in the borough? The course proposed by the noble and learned Baron was rather an expensive mode of obtaining that information. But, should there be no evidence of corruption at the last election, a sufficient case had already been made out against the borough, and a death-bed repentance ought not to entitle the parties to an amnesty for former crimes.

The original motion negatived; and amendment agreed to.

HOUSE OF COMMONS,

Friday, April 15, 1836.

Minutes.] Petitions presented. By Mr. Goulburn, from the Clergy of Middlesex, and the Diocese of London, against the Marriages' Bill; and against the Registration of Births, &c., Bill.

Flogging in the Army.] Mr. *Thomas Duncombe* rose, as the Order of the Day was about to be moved, and said, that before the House went into public business, he hoped for a few minutes' indulgence whilst he made a statement important to himself, and of some consequence also to the military profession, which it was thought by some he had most unjustly attacked by casting upon it an unmerited stigma. During the debate last night on the Mutiny Bill, he had called the attention of the Secretary at War to circumstances of which he thought the noble Lord was not apprised, and which had frequently occurred in the army in the punishment of soldiers. On referring to the newspapers of this morning, he found that they all nearly concurred in the representation of what he had said, but that there might be no mistake as to the statement upon which he was ready to stand, he had selected the report in one newspaper adverse to his own politics, which had also thought fit to comment upon it in no very flattering terms, and, with the leave of the House, he would read what there appeared :—

> "The number of lashes was fixed by a general order from the Horse Guards, but perhaps the noble Lord did not know that the quantity did not in all cases constitute the torture of the punishment, and that it was compounded not alone of the number of lashes, but of the mode and of the time in which they were inflicted. He (Mr. Duncombe) had been informed that there were commanding officers in the service who, considering on some occasions the sentence of general Courts-martial too lenient, had evaded them by ordering the fifty lashes (he would suppose that number to be the punishment awarded) to be inflicted in minute or half-minute time. [*cries of " name," and " no, no."*] Thus making a punishment which should last no longer than five minutes occupy at least an hour, in some cases considerably more. However hon. Members might differ with him on the subject of the Motion before the House, he (Mr. Duncombe) was sure that there would be no disagreement between him and them as to the opinion that such a disgraceful and degrading practice should be discontinued. That could not be done unless the discretion of administering punishment was taken out of the hands of commanding officers. He, therefore, begged to call the attention of the noble Lord to the circumstance, to the end that, as the butchering system of flogging was to be persevered in, the punishment awarded under its provisions should be inflicted in the shortest possible period."

He believed that such was nearly the substance of what he had said, and having said it, his hon. and gallant Friend, the Member for Nottingham (Sir Ronald Ferguson) rose in his place, and called upon him to name the officer. He (Mr. Thomas Duncombe) believed that his hon. and gallant Friend had observed, that if such an officer as he had described existed in the British army, he should say, " in God's name, get rid of him at once." His right hon. Friend near him (Mr. Cutlar Fergusson) had also called upon him to name the offender, but he (Mr. Thomas Duncombe) had declined to give up his authority, because he did not feel justified in doing so. With regard to the individual who had first called his attention to the subject yesterday, he was not now prepared to give up his name; but that gentleman, whom he had not since seen, would very likely come forward of his own accord. He had last night been required to go to the Horse Guards and to mention the name of the individual to the Commander-in-chief. To that course he decidedly objected. He had made his statement in the face of the House, and in the face of the House he was prepared to substantiate it. If the House now called upon him to name the officer to whom he had alluded last night, he was prepared to do so. He had not done so last night, because he would at all times rather subject himself to every kind of taunt and reproach than be accused of anything like a breach of private confidence. He would begin by naming the man who was flogged in the way he had stated. His name was Ingram, a gunner in the Artillery service. This individual had not only been flogged in the manner he had described, but there were other circumstances of aggravation. A Court-martial was sitting at Honduras, in the year 1820, upon another soldier. The sentence upon that offender was 300 lashes, and it had been carried into effect in the usual manner; but during the time the Court was sitting Colonel George Arthur addressed a letter to the president, which was, and the hon. Member read, as follows :—

> " Government-house, Belize, Feb. 15, 1820.
>
> " Sir—A crime having been sent in against gunner Ingram, of the detachment Royal Artillery, I have also required him to be brought before the Court of which you are president, and as this most incorrigible bad soldier has several times been placed in solitary confinement without any good effect, the same observations which I made to you with respect to the other prisoner will apply to him, provided he is found guilty to the extent of the crime with which he is charged.—I have the honour to be, Sir, your most obedient, humble servant,
>
> "GEORGE ARTHUR,
> Lieut.-Col. Commandant.
>
> " To Major Bradley, President of the Court-martial, &c."

The gunner Ingram was found guilty, and two hundred lashes were awarded, but with this circumstance of aggravation :—on the 15th of February, Ingram was brought before the Court-martial, but as he seemed in a very bad state of health the Court ordered the surgeon to examine him , the report was, that he was not in a fit state to be tried, and the man was sent to the hospital. In a fortnight or three weeks afterwards it was reported that Ingram was sufficiently recovered : he was brought to trial, found guilty, and sentenced to 200 lashes. The sentence was carried into execution, but Colonel Arthur in a most unusual manner (for it was generally left to the commanding officer) came down to the parade to see Ingram flogged, and he ordered that the punishment should be inflicted by what was called "the tap of the drum." The House might not be aware that the drum was not unfrequently used; he (Mr. Thomas Duncombe) had had the misfortune to see the sentences of Courts-martial carried into execution, and sometimes, in order that the cries of the sufferer might not be heard beyond the barracks, the drum was ordered to roll. In this instance it was used for a different purpose; the man was ordered to be flogged in quarter or half-minute time, that time being noted by the tap of the drum, the brigade-major holding his watch in his hand. He (Mr. Thomas Duncombe) had seen 500 lashes given in twenty or twenty-five minutes; but what time did the House think was occupied in executing the sentence upon Ingram?—an hour and a half. He did not want to have Colonel Arthur dismissed or cashiered for his conduct; he had mentioned his name for no such purpose; but having been called upon in his own vindication to state the case, he hoped he had justified himself in the face of the House and of the public, and he now dared any party to the trial of the facts.

Mr. *Cutlar Fergusson* had thought that this was a case totally different from that now stated to the House, for he had expected that the serious complaint of the hon. Member would have referred to a fact committed subsequently to the period at which the order restricting the number of lashes to be inflicted had been issued. He considered, that this case ought to have been made the subject of investigation immediately after the time when it occurred. He, for one, would never advise that any officer should be dismissed without having been heard in his defence. It was most extraordinary that, amidst all the complaints made against Colonel Arthur for so many years—and there was hardly one of these which had not been raked up to be brought before the House —this was the first occasion on which the present case had ever been mentioned. It was singular that this accusation should never have become the subject of a practical inquiry. He had expected that the charge brought by the hon. Member would have been directed against some officer in command of a regiment, who had been restricted by the order he had mentioned to a particular number of lashes, and who had prolonged the punishment to lengthen the suffering of the criminal, because he had no power to inflict a number sufficient to satisfy what he thought the case deserved. Now, in 1820, a Court-martial had a right to inflict any number of lashes it pleased, and therefore there could be no reason for protracting the punishment in order to augment the physical sufferings of the person who underwent it. He had thought that the charge of the hon. Member would have referred to a case of recent date, to an individual against whom proceedings by Court-martial might have been instituted. He thought, that though the hon. Member had relieved himself from the obligation under which he lay, and carried out the assertion he had made, this was not a case for immediate inquiry.

Sir *Henry Hardinge* said, that if the hon. Member had made out a case such as he had stated on the evening before—a case where a commanding officer had, for the purpose of evading the leniency of the recent amelioration in military punishments, measured out the time to such an extent as to prolong the suffering of the individual punished, he (Sir Henry Hardinge) should certainly think it was a case calling for investigation before the military authorities; and he had expressed his opinion of such a case as strongly as any other hon. Member. He agreed with the right hon. Gentleman opposite, that the hon. Member was fully justified for the assertions he had made, and at the same time he begged leave to say, that if this were a case where any friend of his was concerned, notwithstanding fifteen years had elapsed since the period, not another hour should pass over without his demanding an investigation. He ought to say, though he did not himself personally know Colonel Arthur, nor had any occasion to know him, that that officer bore a very high reputation, and he was satisfied, that as soon as he heard of the charge now made against him, he would be anxious to meet it by a court of inquiry, or some other means, if the law prevented him from doing so by a Court-martial. These were his sentiments, and as the matter could not rest here, he should not make any further observations.

Sir *Ronald Ferguson* perfectly agreed with the right hon. Baronet. He considered that the hon. Member for Finsbury had been fully borne out in what he had advanced in the debate of the preceding night.

Sir *George Grey* was sure, from what he knew of Colonel Arthur, that as soon as he heard of the charge brought against him, he would anxiously desire that it should be thoroughly investigated.

Mr. *Hume* said, that the right hon. Baronet opposite had said, that if any friend of his were concerned in it, he should be most anxious that the charge should be inquired into. Now, he (Mr. Hume) did not consider that the matter should be left to the friends of any individual. He thought that it was the duty of the public officers of Government not to pass it over.

Mr. *Goulburn* wished only to add one word to this discussion. He would implore the House, therefore, as the officer concerned was at so great a distance, to refrain from any further allusion to his conduct. He was sure, that that officer would be the first to demand an investigation into the charges brought against him.

Subject dropped.

Business—Policy of Russia.] Lord *John Russell* said, that before he moved the order of the day, as his hon. friend the Member for Lancaster had said that he would persevere in the motion of which he had given notice, he wished to state what was the position in which he stood, and in which the hon. Member stood, respecting this question. It was his intention, as he had stated before Easter, to proceed on this day with the second reading of the Bills for the registration of births and the celebration of marriages. He had moved for leave to bring in these Bills early in the month of February, and that on the registration of births had been ordered to be printed on the 17th of February. They were Bills on the subject of which great interest was excited among the Dissenters, and the Government had been often asked, for several years past, to interfere and remedy the grievances they were intended to remove. In the course of last year he had been very much pressed by those representing the Dissenting body to bring forward measures for their relief; but on his representing the impossibility of passing them through the House in the then state of public business, they had, with the utmost fairness and honourable feeling, acceded to the delay, with a strong expression of hope, however, that Government would introduce some measure on this subject early in the present Session. Having now brought those Bills forward as early as he possibly could, and after other business of importance had been disposed of, having given notice before Easter that he would on this evening propose their second reading, his hon. Friend (Mr. P. M. Stewart) interposed, and would not permit the order of the day to be read without going into the general subject of what he called "the aggressions of Russia." To the bringing of that question before the House he (Lord J. Russell) had not, on former occasions, presented any unreasonable obstacle. It might have come under discussion on the first day of the Session, in the debate upon the answer to the King's speech; it might naturally have been brought under consideration in the debate on the navy estimates; and a noble Lord (D. Stuart), the Member for Arundel, thought fit to bring forward a special motion on the subject, when the whole question was gone into, and a most elaborate statement, historically as well as with reference to its more novel circumstances at the present time, was submitted to the House. Upon a subsequent occasion, too, a right hon. Gentleman (Sir Stratford Canning), upon the reception of intelligence respecting Cracow, called the attention of the House to the subject; and, as the intelligence had but recently been received, and the postponement of the question might possibly deprive it of its interest, he had purposely moved the order of the day for supply, in order to enable the question to be raised, and accordingly the debate occupied the whole evening. Having thus afforded every possible opportunity for the discussion of this question, he thought he had some ground in reason and right to ask his hon. Friend, for the sake of the public interests, as well as for the convenience of the House, not to persevere in bringing it again forward on the present occasion. Undoubtedly his hon. Friend had a right to take his own course, but he could not see that any urgency existed to justify him in persevering; and if every Gentleman were to insist on his extreme right, he might be obliged to adopt a course which would, he feared, be most inconvenient to the House—for instance, when any hon. Member got up to move on Tuesdays or Thursdays, it would be competent for him to say he had an order of the day of urgent importance, and move as an amendment, that the orders of the day be read, thus setting aside or indefinitely postponing motions, just as his hon. Friend's course would the orders of the day. It was, therefore, obviously for the convenience of the House that he wished his hon. Friend not to persevere, and allow this question, having reference to the Dissenters' grievances, which was one of so much domestic interest and great public importance, to be proceeded with. He might then give notice for some other day, when the general subject of Russia, involving so many questions of foreign policy, might be conveniently brought forward without interfering with Bills not important merely for the sake of the Ministry but to the great mass of the people in the country. He begged leave to move that the order of the day for the second reading of the Registration of Births and Marriages Bill be now read.

Mr. *Patrick M. Stewart* said, he should have offered no opposition to the noble Lord's request had he not felt himself compelled, by the present state of the question, to persevere in his motion. No doubt there had already been two discussions on the subject in the course of the last two months, but its aspect had, in the interval which had since elapsed, materially changed for the worse; and every day new circumstances were occurring to render it more necessary that the attention of Government should be called to the question, in order duly to impress them with the serious responsibility which devolved upon them in consequence of the events which unfortunately were still taking place in the East of Europe. Petitions were now waiting to be presented from every individual of character in this country connected with the trade of Turkey, praying for that very discussion of which he was the humble advocate. On the two former occasions no definite or practical conclusion had been come to from which any benefit could arise; whereas it would be his endeavour to bring home to the Government the state of jeopardy in which our foreign relations stood, and practically fix them with the responsibility of what is now occurring in the East. But if it should appear to be the sense of hon. Members present that he ought not at present to persevere in his motion, he would be the last person to contravene their wishes in that respect; but differing as he did from the noble Lord as to the comparative importance of that subject which he had taken in hand — regarding it as paramount to many of those home subjects which so frequently engrossed their attention—he did think it most important that they should, before the Session was much further advanced, come to some cool and mature determination with respect to it. He therefore felt most reluctant to give way. [Cries of "Withdraw."] He felt quite at a loss what to do. [Renewed cries of "Withdraw."]

Sir *Robert Peel* said, the hon. Gentleman seemed to invite an observation on the position in which he found himself. It appeared to him that the hon. Gentleman had himself furnished a most conclusive reason why he should adopt the course recommended by the noble Lord. In reply to the noble Lord's observation, that the question had already undergone discussion on two recent occasions, the hon. Gentleman said, that those discussions led to no practical result, and he proposed that the present discussion should lead to such a result. If that was the object of the hon. Gentleman, he should say, let them have fair notice of the motion. Let the hon. Gentleman give notice that he intended to call the attention of the House to the aggressions of Russia, but do not let him invite them to come to a resolution, and then say that he meant to follow it up by a practical result for which they were not prepared. That might involve the House in a very serious difficulty. If the hon. Gentleman wished that the discussion should be decisive, that it should be of a very different character from the two preceding discussions, and that it should end in some practical issue—if he desired to call for the determination of the House with regard to the relations of this country with Russia, then let him give at least two or three days' notice of the precise motion he intended to bring under the consideration of the House. He was glad to hear the noble Lord protest against the practice of bringing forward questions of foreign policy on motions for proceeding to the orders of the day. If Gentlemen who were in the habit of supporting the Government, took that course, which he and his Friends on his side of the House had always discouraged, as not fair to the House, he could not answer for it that he and his Friends might not consider it expedient to follow the example.

Mr. *Patrick M. Stewart* begged leave to say, after what had fallen from the right hon. Baronet, that the motion he had given, arose from the answers he had received to three questions put to the noble Secretary of State for Foreign Affairs, every one of which had been most unsatisfactory, both with reference to Cracow, and the still more important events which had recently occurred, throwing obstructions in the way of British commerce in the Black Sea. In giving way to the noble Lord upon the present occasion, he trusted one day next week would be given him for bringing forward this motion, and he pledged hinself to shape his notice so as to meet the views of the right hon. Baronet opposite.

Mr. *Thomas Attwood* begged to ask the noble Lord (Lord Palmerston) whether it was true that 250 of the Polish refugees had been given up to Russia? He would also take the opportunity of saying he had heard, that in Birmingham an order was given, two or three months ago, for 800 large guns, professedly for the Turkish Government; they were to carry balls of from sixty pounds to two hundred and sixty pounds each. There was a very prevalent opinion that those guns were intended for the Dardanelles. He wished to ask the noble Lord, whether the Government had an eye to that circumstance —whether they had given their consent that these terrible engines of destruction should be allowed to proceed from this country to complete the fortifications of the Dardanelles? He hoped the Government were not asleep on this occasion; the Russians, he believed, were wide awake.

Mr. P. M. Stewart postponed his motion.

Registration of Births, &c.] The Order of the Day for the second reading of the Registration of Births Bill was read.

Sir *Robert Peel* said, that on a former evening he had put a question to the noble Lord respecting this Bill. He believed that the effect of the Bill would be, that, with respect to baptisms, marriages, and burials of the members of the Church of England, it would leave the registration in precisely the same state in which it was at present. The registration would be carried on according to established usage, and would have full force as evidence in a Court of law.

Lord *John Russell* was understood to say, that the law, with respect to registrations of baptisms and burials, would be the same as before; the registration of marriages would undergo a slight modification.

Sir *Robert Peel* said, that the operation of the measure depended entirely on the machinery which they should make use of. That was so much a matter of detail, that he thought it would be better to defer any general consideration of the measure altogether, until they had first done all in their power to render the measure as perfect as possible. It would be much better to urge any objections he entertained to the details when the Bill was in Committee. Under these considerations, as he did not object to the principle of the Bill, he had no objection to allow it to go into Committee, though it contained many provisions which called for alteration and amendment.

Dr. *Lushington* said, that according to his apprehension, the right hon. Baronet had correctly stated the purport of the Bill, that it would leave to the parochial registration the same force and effect as it possessed at present. He fully agreed in the suggestion that they should first endeavour to make the measure as perfect as possible in Committee, before taking the discussion upon it generally. He altogether objected to referring the measure to a Select Committee, for the subject had already been considered by a Select Committee. There was another objection to referring the measure to a Select Committee, that they would have to discuss matters of principle, which more properly belonged to the consideration of that House.

Sir *Robert Inglis*, as he understood the object of the Bill, considered, that it was to relieve the Dissenters from some grievances of which they complained. He wished that the Bill had been limited to that object, and did not interfere with the rights, and let him add the duties, of the ministers of the Established Church. The Bill interfered materially with both, and he wished that the noble Lord would limit the Bill to such an extent as would meet the wants of the Dissenters, and leave the members of the Church of England in the came condition in which they were at present. It was not enough that the parochial registration should be left in the same state in which it was at present. That was not all he required. He required that the members of the Church of England should be left in the same position in which they were at present. The great body of the members of the Church of England were satisfied with the registration as it stood at present. There might be some occasional irregularities, but he believed that the great body of the members of the Church of England were satisfied with the state of the registration as it existed at present. He wished that the noble Lord would endeavour to so alter the Bill as to limit its provisions to the relief of the Dissenters. He protested against making a general measure, comprehending all classes, when the most important and largest class in the country did not complain of the evils which the Bill professed to remove, but were content with the system as it existed at present.

The *Attorney General* felt that the measure would be not merely a benefit to the Dissenters, but would be found to be equally a benefit to the members of the Church of England. With respect to registration at present, as selected to the members of the Church of England, it was exceedingly imperfect. There was no registration of deaths—they merely had a registration of burials. It was impossible, on this account, to find evidence of descent with any certainty beyond two generations, and the consequence was, that this uncertainty led to great litigation and expense. It was of the greatest importance to the members of the Church of England that there should be a general registration of deaths, births, and marriages. He contended, that a general registration would be a great benefit, and concurred fully in the suggestion offered by the right hon. Baronet to postpone the discussion to a future stage of the Bill.

Sir *Robert Peel* said, that his observations were made under the impression that the Bill left the members of the Church of England in the same state in which they were with respect to registration at present. They were perfectly satisfied with that, and he saw no reason to alter or interfere with it. If he could understand that the Bill would place the members of the Church of England in a worse position than they were in at present, he should feel bound to give to it every opposition. He understood the principle of the Bill to be, to leave the existing registration uninterfered with, and to give it the fullest sanction and authority as evidence.

Mr. *Hawes* said, if he understood what had fallen from the right hon. Baronet and the noble Lord, the Bill did not provide for a uniform system of registration, but the general registration was to be confined to a general and uniform registration of births.

The *Attorney General* was sure that the hon. Gentleman had not read the Bill. The Bill provided for a uniform system of births, marriages, and deaths, and included all classes of the community and all sects.

Mr. *Hawes* expressed himself satisfied with the explanation.

Lord *John Russell* said, that the intention of the Bill was to establish a uniform registration in the first place of births and deaths, and next of baptisms and marriages. With respect to baptisms and burials performed by the ministers of the Church of England, they would keep their own registers as before, and that registration would be equally valid, as it had always been in courts of law. With respect to births and marriages, there would be a civil and general registry; and whether the entries should be by the minister of a Dissenting sect, or whether according to the form of a civil contract, all would be merged in one registry, which would be a national registry. With respect to parishes, they would have, as at present, their own separate registry for marriages performed in them. Therefore, as he had already explained, these would answer the purpose of a national registry, at the same time that he would not interfere with the registry as at present carried on. He trusted he had now given an answer to the objections taken against this Bill, with respect to its national principle, and with respect to the objection of those dissenting from the Established Church. The Bill would, in the first place, establish a national registry, which would ascertain facts not now ascertained respecting descent; and, secondly, it would enable Dissenters from the Established Church, who did not agree in the ceremonies of that Church, to have a registry without resorting to means for that purpose, to which they conscientiously objected.

Mr. *Goulburn:* if the Bill were to pass in its present shape, he would give it his utmost opposition. He would have no difficulty in satisfying the House that it would not answer the objects for which it was intended. However, he was ready to consider the Bill in Committee, and to endeavour to improve it as much as possible; but then he would feel it competent for him to enter into an argument whether the Bill, even in that state, was so unexceptionable in its provisions as that they should allow it to pass at all.

Lord *John Russell* thought it would be better to allow the Bill to go into Committee, and take the discussion on the third reading.

Mr. *William S. O'Brien:* before the noble Lord named the day for the Committee on the Bill, he was anxious to ask him whether or not he would give his assurance that, at a future period, a Bill should be brought in extending the principle of the present measure to Ireland. He looked at this question, not as one which related to sects, but as one which proposed to carry into effect a great national improvement. The evils which the proposed Bill intended to remedy were much greater in Ireland than in England, because the registration in Ireland was in an extremely defective state. The noble Lord had stated on a former occasion, that the Roman Catholic clergy objected to the adoption of a similar measure for Ireland; but he (Mr. O'Brien) could not understand what their reasons were for making such objection. He could not believe that such was the fact. No person was prepared to treat the opinions of the Roman Catholic clergy with more respect than he was; but if such objections did really exist, he thought the House ought to be made acquainted with the nature of them. It was his intention to move, as an instruction to the Committee, to consider the propriety of extending the principle of the Bill to Ireland, with a view of taking the sense of the House on the question; but he would not do so if the noble Lord would say, that in the ensuing Session—he knew it would be impossible to do so in the present—that he would bring in a Bill to extend the principle laid down in this Bill to Ireland.

Lord *John Russell* said, it was his most anxious wish to extend the principle of the Bill now under discussion to Ireland. But, in the first instance, he thought it was desirable to pause, in order to see how the present Bill would work in England. In the meantime he would take the subject into his consideration, with the view of considering the propriety of introducing a Bill, founded on the same principles, for Ireland.

Sir *Robert Inglis:* supposing that the clergy of the Church of England should object to this Bill, would the noble Lord refrain from passing it, on the same principle that he declined to bring in a Bill for Ireland in consequence of the opposition which was made to it by the Roman Catholic Priests in Ireland? [" *No, no* "] Hon. Members might say "no, no," but he (Sir Robert Inglis) understood the noble Lord to say, on the 26th of March, on good authority, that the Roman Catholic clergy did object to the adoption of such a measure for Ireland. If, therefore, the noble Lord was not prepared to pass such a measure for Ireland, in consequence of the objections entertained to it by the Roman Catholic priests, was he prepared to pass the present measure if it should be objected to by the clergy of the Established Church of this country?

The *Chancellor of the Exchequer:* the declaration made by his noble Friend directly negatived the proposition laid down by the hon. Baronet, the Member for the University of Oxford. His noble Friend stated, that he should be prepared on a future occasion, when he had seen the working of the present Bill, to produce a measure applying the principle of it to Ireland, for the purpose of forming a general registration for that country. That was the best answer that could be given to the observations of the hon. Baronet. The hon. Member opposite (Mr. O'Brien) must be aware that, in forming a principle of registration for Ireland, the machinery by which it must be carried into effect must be of a different character from that established for England. The present Bill was an experiment, and the method of its working must be known before a system of machinery for Ireland could be adopted. He was perfectly free to admit, that if an improved system of registration was wanted in this country, it was still more wanted for Ireland. He could assure the hon. Member that he (the Chancellor of the Exchequer), in common with his noble Friend, was most anxious that a Bill should be brought in to extend the principle of registration contemplated by this Bill to Ireland.

Bill read a second time.

Dissenters' Marriages.] Lord John Russell moved the second reading of the Dissenters Marriages Bill.

Mr. *Goulburn* was anxious to offer a few observations on the Bill. So far as the noble Lord had stated that this Bill was framed with the desire of relieving Dissenters from the necessity of being married by the clergymen of the Church of England, he had no hesitation to say that he was willing to go that length. So far as the Bill had that object, and proposed to effect it in an unobjectionable way, he was quite willing to give it his most cheerful support. But he besought the noble Lord to take care lest, in giving relief to the Dissenters on the one hand, he was not placing a burthen on the clergy of the Established Church on the other. Whilst the noble Lord consulted the religious and conscientious scruples of the Dissenters, let him not disregard or offend the scruples of the members of the Established Church. He would, when the fitting occasion came, be prepared to satisfy the House that this Bill interfered with the conscientious scruples of the members of the Church of England. He would, however, on the present occasion, deal with another part of the question, to which he felt that he could point out an objection so clear and distinct as to entitle him to the support of every hon. Gentleman in the House. He proposed to confine himself to the question whether the Bill now before the House did not afford increased facilities to clandestine marriages, and did not open a door in this respect to every man, whether Dissenter or member of the Church of England, and on a point, too, in which the interests of families were most seriously concerned. It was for the House to consider how far protection against clandestine marriages was afforded by this Bill. He should, he trusted, be able to show how perfectly inadequate this Bill was to prevent the performance of clandestine marriages amongst all classes of his Majesty's subjects, no matter to what sect they belonged. By the existing law of England there were certain guards against clandestine marriages. In the first instance there was the necessary publication of banns. There was the necessity that these banns should be published three times in the parish in which each of the parties must have lived for a limited period. This publication of course took place in the presence of many who must be acquainted with the parties about to be married, and so far all the advantages of the fullest publicity were obtained. The banns were a publication of the intention of the parties to engage in marriage, and in the rural parishes they afforded a certain security against clandestine marriages, and in other parishes a tolerable security against secret or improper marriages. They afforded an assurance that persons acquainted with the parties would hear of their intentions, and that it would become known in the parish where they resided, and if any objection existed there was a reasonable assurance that it would be made public. The next security afforded by the existing law was, that it required that the marriage should be celebrated in the church of the parish, in the customary and recognized place for such celebration. It was also required that all marriages should be celebrated within the hours of eight and twelve o'clock, the very time in which the public would be most likely to have their attention awake, and when any clandestine marriage would be the least likely to be celebrated. The next protection was, that it was required that the marriage must be celebrated within three months after the publication of the banns. It was no small security that the marriage was required to be celebrated under these circumstances in the church of the parish where the parties reside, and in the presence of the parochial clergyman, to whom the parties must be more or less known, and who, being a person of education and respectability, if there were any suspicion of a clandestine marriage, would interpose to prevent it. But there was still more. That which he considered one of the greatest protections was, that marriage was celebrated with all the solemnities of religion, and in the presence of God, and under the most solemn sanctions. By the Bill before the House all these protections were withdrawn. The party was not bound to have banns published in any instance. The marriage might take place not only in the parish where the parties resided, but in any parish in the kingdom which they chose to select—not in the church or recognised building, but in any place which the parties might choose, and where no person could anticipate that such a marriage would be performed. The noble Lord stated, that he intended to withdraw the exemption with respect to hours, and to limit the houses of celebration, as at present; but he withdrew the protection of compelling the marriage to be celebrated within three months after the publication of the banns. The Bill withdrew the protection arising from the celebration of marriage by the authorised minister of religion, and permitted marriage to be celebrated, not by the authorised minister, but by any person who chose to undertake the office. He contended, that this Bill opened the door to clandestine marriages, not only of Dissenters, but to every class of the community. After this Bill passed, there would be nothing to prevent any member of the Church of England from being married in any place he chose, or by any person he chose, or without the necessity of having the marriage performed in any place of religious worship. He thought it right to state those objections now, that the noble Lord might have the opportunity of making such alterations as would satisfy the public mind. His first objection was, that notice was not required to be served upon the registrar of the particular district in which the parties resided, so that two parties residing in Middlesex might, if they so chose, serve their notice in Yorkshire. Again, there was no penalty inflicted by the Bill for a false notice. Then, with regard to caveats, there was this anomaly, that no person except a parent or guardian could enter a caveat without subjecting himself to heavy damages. So that if a man were to marry a second wife during the lifetime of the first, the first wife could not enter a caveat, nor any other person except a parent or guardian. Again, with regard to the place where marriages might be celebrated by the present Bill, a building which had once been licensed for the purpose, no matter to what use it might thereafter be converted, would still continue to enjoy the same privilege, and what was still more strange, the ceremony might be performed by any person whatsoever. He would repeat that, under the proposed measure, there was no protection against clandestine marriages. Under the present system the very solemnity of the rite formed a strong protection. He would feel it his duty, as the Bill proceeded, to show, to the satisfaction of the House, that it was eminently calculated to open a wide way for those clandestine alliances. He would wish to know whether the Bill intended to prohibit the publication of banns? [Lord *John Russell:* No.] He was glad it was not so intended, as it would, in some degree, do away with the established form of the Church of England; but there was this to complain of, that, besides the publication of the banns, the members of the Church of England were obliged also to give notice at the registrar's office. Why, in a measure purporting to be for the relief of Dissenters, introduce a clause which imposed a double burthen and a double obligation on members of the Church of England? Why compel members of that Church to pay twice for that ceremony? Why, greater evils were likely to ensue under this Bill than under the present Marriage Act.

Dr. *Lushington* declared, he was not one inclined to oppose any provisions that could prevent clandestine marriages. He participated in the anxiety of the right hon. Gentleman, that every measure should be introduced into that House which should so far as possible protect the public against the occurrence of a mischief fraught with misery to families, and destructive of their domestic peace. Such were his feelings upon this subject; but he had long since come to this conclusion, that this was a matter of compromise. They could not invent a system that would be at the same time satisfactory, and prevent the recurrence of fraud. If they attempted to restrict that which ought to be free, which ought to be easy to every one of his Majesty's subjects, and, so far as was consistent, in which there should be a freedom and facility for forming the contract, they could not do that, and have every safeguard that might be desired. The right hon. Gentleman had declared, that there were safeguards under the present law, and compared them with the provisions of this Bill; and the conclusion to which the right hon. Gentleman had come was, that instead of this Bill giving securities, it fell far short of the securities at present existing. He was under the necessity of differing in opinion with the right hon. Gentleman. Under the existing state of the law the door was thrown open to clandestine marriages, and a person had only to desire a clandestine marriage, and nothing was more easily effected. The very statute which prescribed all the conditions upon which the right hon. Gentleman relied, contained a clause declaring, that if you disobey its provisions, still the marriage is equally good and valid, it having once taken place. At the present hour the banns were to be published on three successive Sundays, in both parishes in which the parties resided, if they were the residents of two separate parishes. Let them look at the consequence; a man went to the next parish, that was a populous one —if he lived in the neighbourhood, the facility of travelling brought him some seven or eight miles in a short time—it was easy for them to meet a friend, no difficulty interposed, he went to the clerk, he gave in the name to that clerk of the person who intended to marry, the banns were published, and no living soul could say anything as to the marriage. The marriage took place, and it was held good in law, and it was incapable of being set aside. What then was the protection that had been so much relied upon? It was a protection in name, a security in words, and it afforded not the slightest degree of safety. So much, then, for the marriage banns. Let them look, then, to the state of the law at the time of Lord Hardwicke's Marriage Act. It was competent for any two persons, by a written contract, or simply by a promise before witnesses, followed by cohabitation, to contract marriage. That was the state of the law up to 1723. Lord Hardwicke's Marriage Act left banns very nearly as they were at the present moment. It was declared, that if one or two persons under age, and by whom licence was taken out were married, the marriage was to be null and void. What was the consequence? The matter went on until the complaints were so loud that the attention of the House was called to it. The House had to interpose, and by one of the strongest legislative measures ever passed, it rendered valid retrospectively the marriages that had taken place; it not merely rendered those marriages valid, but deprived of their vested rights, those whose interests arose in consequence of such marriages. These steps demonstrated that neither the Legislature nor the country could endure the restrictions imposed—that they were intolerable to the people, as the melancholy consequences he had stated originated in them. Lord Redesdale, with a laudable anxiety for preventing clandestine marriages, annexed conditions to the Act as it passed the House of Commons. When the Bill came down again to that House, he remembered that he strongly opposed those conditions, and he remembered that Mr. Canning said, that he would take the Act as it was, as he did not know that the Lords would pass another, and that the defects in the Act might be amended in the next Session. Now what was the consequence? Why, in the next Session, at the very commencement of it, he believed, a Bill was introduced to repeal these provisions, because they prevented the facilities to the solemnization of marriage. A Select Committee then sat on the subject of marriage for many months, and they were compelled to go back to the old law. But then again, as to marriages by licence, a person might go to any of the authorities who were empowered to grant licences—he might falsely swear he was of age—he might give false names in the case of himself and of the woman whom he intended to marry, and thus every facility was given for the promotion of clandestine marriages. For where was the protection of an affidavit in these cases? But it never could be intended to shackle the marriage ceremony. By the Bill now proposed, the parties would have to go before the Registrar. The Registrars, it was to be presumed, would be respectable men. [An *Hon. Member* observed, that the Registrars might abuse the power reposed in them.] It was to be presumed, that they would be well-conducted men. He believed that under the Registration Act, the guardians of unions would perform the duties intrusted to their care with accuracy and integrity. The right hon. Gentleman must be aware that this measure was intended to apply not only to members of the Established Church, but it was proposed to be extended to persons of all religious distinctions. They had endeavoured by one Act to meet the views and wants of all parties, and in so doing they had totally failed. It was impossible, by the agency of the publication of banns, to prevent clandestine marriages. He would admit, that in some cases the clergyman had objected to the solemnization of the marriage. Now he spoke from experience when he said, that the clergymen of the Church of England did not consider themselves authorized to defer a marriage if the banns had been published, or a licence were produced, unless there was something so extraordinary or conspicuous in the conduct or appearance of the parties as to induce them to pause—and such a case as this did not occur once in five years. From clergymen of the Church of England. who had applied to him, he knew that their impression was that it was their duty to proceed with the solemnization of the marriage. He had to observe, that it would be the duty of the Registrars under this Bill, and there were provisions expressly to punish them for neglect, to take care that all the enactments were strictly carried into effect; and he believed it would be found that if the directions contained in this Act were strictly complied with, the consequence of the notice so given by the Registrar would be of equal force and effect as the present impediments thrown in the way of clandestine marriages by the existing law. It had been said, that this would be onerous upon the members of the Church of England. It was entirely at the discretion of the party whether the banns were published or not. One of the clauses of the Bill provided, that no person, vicar or curate, should be obliged to publish the banns for any persons whatsoever. He thought that the system of keeping open the books of registration would be found very efficient as a preventive of clandestine marriages. At the same time he cordially agreed with the right hon. Gentleman in a most earnest wish to provide every possible means of security towards that end, but if the Bill, as it stood, were defective in such particulars, the House would have every opportunity, when they got into Committee upon it, of supplying all that might be required.

Sir *Robert Inglis* was glad to see that the present discussion had been conducted throughout without the occurrence of any observations inconsistent with the importance of the subject; and he trusted that nothing would fall from him which could be construed as irrelevant to the matter before the House. He begged, however, *in limine*, to make a solemn objection to the principle proposed to be recognised by this Bill that marriages could be celebrated by any other mode than as a religious act. He claimed on the part of the members of the Established Church, that they should enjoy the same privileges and ceremonies in respect to marriage as they did at present, and that new burdens should not be imposed upon them, for the sake of affording relief to the Dissenters. He thought a Bill might be framed for affording relief to Dissenters without the necessity of imposing any new burdens upon those who adhered to the doctrines of the Church of England. It was the duty of that House at the same time that they proceeded to inquire into and to redress the grievance complained of by the Dissenters from the Church of England, to remember that the latter were especially under the protection of the Legislature, and not to oppress them with a Bill of pains and penalties, such as the present would prove to be against them. The hon. and learned Gentleman who had just sat down had amply described the defects of the present system of marriages, but he had not replied to the objections of his right hon. Friend (Mr. Goulburn) to the defects in the present Bill, particularly that relating to the difficulty of entering caveats against marriages under the regulations proposed. He trusted, if the hon. and learned Member should rise again on the subject, he would take notice of his right hon. Friend's objections.

Bill read a second time.

On the motion that it be committed,

Sir *Robert Peel* said, that whilst he was perfectly ready to concur in any measure which seemed likely to give satisfactory relief to the conscientious scruples of Dissenters, and whilst he fully concurred in the remarks of the hon. and learned Member for the Tower Hamlets as to the importance of guarding against imposition and clandestine marriages, at the same time he thought, that in giving relief to the conscientious scruples of Dissenters, the House should take especial care not to wound the feelings or offend the conscientious scruples of the members of the Church of England. He premised that it was proposed by the present Bill, speaking here apart from any consideration of the particular case of the Dissenters, to give the members of the Church of England, who, be it recollected, made no complaint of the present system of marriages, a new method of entering into the state of matrimony without the necessity for any religious ceremony. That was a provision which appeared to him perfectly unnecessary towards the main object of the Bill, namely, that of affording relief to the conscientious scruples of Dissenters. He should therefore give notice, that in the Committee on the Bill, he should call attention to that particular feature in its provisions, and take the sense of the House upon it.

Mr. *Wilks* said, that the right hon. Gentleman had candidly made the declaration of kindly disposition towards the Dissenters of England, and he in return begged to disclaim any intention on the part of the Dissenters of imposing a Bill of pains and penalties upon the members of the Established Church. He conscientiously believed that the present measure would prove as beneficial to the interests and convenience of the members of the Established Church as to the Dissenters themselves.

Bill to be committed.

Bishopric of Durham.] Lord John Russell moved the second reading of the Bishopric of Durham Bill.

Sir *Robert Peel* asked whether the noble Lord had any objection to state what was intended in respect to the University of Durham?

Lord *John Russell* was understood to say, that that matter was as yet entirely open. There might be some difficulty in the present state of proceedings in settling it, as the Bishop of Durham was to take the see with certain regulations, and under certain restrictions, which were hereafter to be defined.

Sir *Robert Peel* ventured to express an earnest hope that his Majesty's Government, in whatever measures they might adopt, would fulfil the intentions of the late Bishop of Durham in respect to this subject.

Mr. *Jervis* hoped, that not one penny of the revenue of the see would be applied to the purposes of the University of Durham, unless the Dissenters of the north of England were equally admissible to it as the Members of the Established Church. It was the principle of all, or nearly all, the universities of Europe, that parties were admitted without distinction of religion, and he did not see why the same principle should not apply to this new university, the more particularly as the two universities of Oxford and Cambridge were closed to all but members of the Established Church. It was, he thought, monstrous in the present day to confine establishments for the dissemination of learning to one religious denomination only. He would appeal to the noble Lord (Lord John Russell) below him, who had ever shown himself the friend of the Dissenters and of religious toleration, and put it to him whether he would sanction an exclusive establishment of this kind. He hoped that in this, or early in the next session, the noble Lord would be prepared with some measure by which Dissenters of the north, as well as members of the Established Church, would be equally admissible to this University.

Mr. *Arthur Trevor* differed wholly from the proposition of the hon. and learned Gentleman who last addressed the House. He looked on the University of Durham as a splendid monument of the munificence of the late most estimable prelate, and believed it was well known that it was the intention of that right reverend Prelate that it should be for the clergy of the north. That intention would be altogether defeated if it were thrown open to Dissenters; and for his own part he would rather see the whole establishment fall to the ground, than that it should be open to Dissenters. He regretted that the noble Lord (Lord John Russell) had not been prepared to give an answer to the right hon. Baronet, as to the intentions of Government with respect to this University. The intentions of the late right rev. Prelate with respect to the Durham University were notorious, and had received the sanction of Earl Grey. It was the wish of the right reverend Prelate that the income of three stalls in the cathedral of Durham should be reserved for the salaries of the warden and professors. Now, this sum he thought should be held in trust by the bishop for these purposes. With respect to the Bill before the House, he thought there were parts of it with which the inhabitants of the county and of the city which he had the honour to represent would be greatly dissatisfied. There was the abolition of local courts and other institutions which the late bishop had fostered with great care. He did not think that the administration of justice would be better or cheaper in consequence of those changes. On these accounts he was anxious that time should be given for the due consideration of the Bill before it went into Committee, for he feared the time would come when some of the proposed changes would be regretted by all classes in the country. He thought the income of the see was so much reduced in the Bill, that he did not hesitate to say, it would be found difficult to get persons to accept the see with such limited means. He also objected to the Bill, that in the application of the surplus revenue it made no provision for the spiritual wants of many parts of the county. All that the Bill proposed was, to plunder the see of a part of its revenues, to enrich other parts of the county. In conclusion, the hon.

Member repeated his objection to seeing the University of Durham thrown open to Dissenters, and he added that the Dissenters of Durham did not look upon the University with any hostile feeling; on the contrary, they regarded it as an establishment which would be greatly beneficial to the neighbourhood. The hon. Member, after thanking the right hon Baronet, the Member for Tamworth, for the interest he took in the University, gave notice, that should the Government determine not to fulfil the intentions of the late Bishop with respect to it, he should feel it his duty to oppose any measure they might introduce with that object.

Lord *John Russell* rose in consequence of the last remark of the hon. Gentleman concerning Earl Grey, and his wish that a University should be established in Durham. It was quite true that that noble Lord had expressed an anxious wish that there should be a University established in the north; and he (Lord John Russell) believed that there were two points on which the late Bishop of Durham and Lord Grey had differed, while they agreed in the expediency and propriety of appropriating a certain portion of the revenues of the chapter and see of Durham to the support of that University. The first related to the income of the stalls applied to the professorships, Lord Grey thinking—and in his opinion most judiciously—that the whole income of a stall would be much too large a salary with which to endow a simple professorship. The objection of the late Bishop to the proposition of Lord Grey might be deemed very natural and very just at the time at which it was made, the right reverend Prelate not liking, perhaps, as there was no general measure upon the subject, to break in upon the particular constitution of the establishment of Durham. There was another point to which allusion was necessary, in consequence of the feeling which Lord Grey had been said to have expressed of decided dissent from the opinion of the late lamented Prelate. The Bishop expressed his opinion that the emoluments of the University should be completely and entirely confined to the members of the Church of England. From that opinion Lord Grey did not dissent; but he expressed (as he had been lately informed) his strong and decided opinion that with respect to all honours, including under the term grees, they ought to be open to persons of every religious persuasion. The late Bishop of Durham did not agree in that opinion in the terms in which Lord Grey stated it; so that when that noble Lord's opinion was referred to as that of a minister most anxious to see a University established in the north, he (Lord John Russell) thought it due to him to mention, that he stated at the time that while he was most anxious to see such a University there established, his anxiety was equally great to see it established, if possible, on those principles of religious freedom, by which all persons in the north might enjoy the benefits of study, and the honours then to be attained, without reference to their religious creeds.

Sir *Robert Inglis* said, this University was established five years ago, out of the funds of the late Bishop of Durham, out of the revenue of the Church for the promotion of the Church Establishment, and it would be as unjust to divert that University to other objects than those contemplated by the founder as it would be to divest the funds of any noble Lord who had invested them in any foundation of any kind whatever. The founder had always a right to limit the appropriation. The Bill proposed to separate the spiritual from the temporal duties of the Bishop of Durham, and consequently to deprive that Prelate of much of the dignity which now attached to his office. Against this he begged leave to enter his protest. He did not think there were too many of what were technically speaking, called prizes in the Church; and, great as was the outcry against the large income attached to the bishopric of Durham, this he would confidently say, that no income, however large, could have been spent in a manner more consistent with the spirit of true Christianity or more calculated to promote the welfare of the community than the income of that see by the late Bishop. By little and little they sought to deprive the Church of England of its temporal dignities, but its spiritual character was fortunately beyond the reach of its assailants.

Mr. *Pease* said, that the Church Commission having reported so completely upon the state of the bishopric of Durham, and it being concluded that it was no longer for the interests of that bishopric, nor for the good of the Established Church, that so large a sum should remain in the hands of one individual, while there existed districts in the county in which the money was needed, and in which it might be applied to much greater effect in forwarding the cause of religion, and of the common happiness of the people, the House was bound to consider well whether they could co-operate with a Government disposed to carry the recommendations of the Commissioners into effect. He felt bound to say, that he could not co-operate with the Government if the money were to be appropriated as he understood it would be. There was an increasing population in the county of Durham much in want of instruction; and he was not prepared to give to the opulent town of Manchester, rivalling the first of our cities in wealth and importance, or to the rich agricultural district of the West Riding of Yorkshire, those funds which could be well applied in the general cause of religion, and for the spread of education and morality among a class of people who, though they were his constituents, were, he grieved to say, very devoid of that which was likely to promote happiness among men. It happened to be the practice in that county to accompany the calendar of prisoners for trial at the Assizes with a statement, showing to the Judge upon Circuit what proportion of the prisoners were educated, how many could read and write, &c. The following remarks had been made by the Judge in his charge:—"The list before him presented a larger display of the more atrocious description of crimes than the calendar for the Central Criminal Court for Middlesex had exhibited during the last twelve months. He knew not whether this was to be attributed to the state of instruction in this county; but he feared that where they were perpetrated, religion and morality had not spoken to the hearts of the inhabitants. He had not seen the name of any person who read well, or was tolerably instructed, in that calendar." He asked, then, that some consideration might be given to the peculiar circumstances in which his constituents were. There could not be the same feeling entertained with respect to the funds of the bishopric of Durham, as could be indulged in by an individual looking to ecclesiastical revenues springing from other sources, and aiming at other ends and objects. The greater part of these funds were of peculiar origin, and were appropriated to the keeping up of that princely and palatinate jurisdiction which was at present annexed to the see. Unless the Crown were disposed to relieve the county of Durham of the various expenses arising out of the holding of Courts, the many appointments, conservatorships of rivers, &c., which were at present borne by it, he apprehended that there could be no ground for the proposed diversion of the funds into other districts. He felt bound, therefore, to protest against such an abstraction of a large portion of the revenues of the bishopric from the county, and to give his support to every proposition which, while it avoided all needless interference with the feelings of members of the Established Church, gave at the same time to all in that part of the country the opportunity of enjoying a liberal education—such, indeed, as every member of that Church must wish a Dissenter to receive, if he were a friend to his own religion, on the principle that such an education would supply those clear and enlightened views of which the Dissenter was supposed to be in need, and the want of which were alleged to be the cause of his dissent. Under these circumstances, he hoped that the House would place that University on a liberal, extended, and open footing; nothing was more desirable for the county of Durham, and even for the University itself, which, without being so placed, would not thrive. With respect to the Court of Common Pleas, and the minor arrangements affecting other institutions, he believed that the Government would not press the alterations proposed by the Bill on those points, if it were proved that the county relied on the continuance of those Courts for the attainment of expeditious and cheap justice.

Mr. *Roebuck* thought it the greatest satire which could be pronounced on the Church, that the district of the country where the richest bishopric in England was situated, should contain, as it was stated, the most demoralised people. When the Church had in its possession large sums of money which were diverted from their proper objects, it was the duty of Parliament to interfere, for the purpose of compelling a just application of them.

Bill read a second time.

ABOLITION OF SLAVERY (JAMAICA).] Sir George Grey moved the third reading of the Slavery Abolition (Jamaica) Bill.

Mr. *T. Gladstone* was desirous, before this Bill passed, to draw a declaration from the hon. Gentleman, the Under Secretary for the Colonies, to the effect that this Bill was not intended to imply that the Legislature of Jamaica had been guilty of bad faith, with reference to the conduct which they deemed it necessary to adopt in regard to the Governor, Lord Sligo, but that they had rather been compelled to resort to it, from a combination of unfortunate circumstances. All he desired was, that his hon. Friend should give the House an assurance that this Bill, which overrode the legislative privileges of the Assembly of Jamaica, was not intended as a measure for identifying the steps taken by Lord Sligo, with the determination of Parliament on the question to which they referred. He was anxious that this Act should not be regarded as an unnecessary interference with the local legislature, but merely as a subsidiary enactment for carrying into execution the principles of the measures passed by Parliament for the abolition of slavery in the colonies.

Sir *George Grey* said, that he had distinctly stated on moving for leave to bring in this Bill, that it was not meant to convey any opinion by its proposal as to the difference which occurred between Lord Sligo and the Legislature of Jamaica; but that it was intended to declare, that a case of necessity was made out for the interference of the Imperial Parliament for the purpose of removing an admitted defect in the law, which seriously affected the apprenticed slaves, over whose interests Parliament was bound by every obligation to keep a careful watch.

Mr. *Hume* admitted that Parliament was bound to take care that the stipulations of that Act, which cost the country a sum of twenty millions, were complied with, but warned the House against unnecessarily interfering with those concerns for which the local legislature were prepared to legislate.

Bill read a third time and passed.

ENLISTMENT OF SAILORS.] On the Motion for the House to resolve itself into a Committee of Supply,

Mr. *Buckingham* said, that he was anxious to receive from the Under-Secretary for the Admiralty some information on a subject of considerable interest. It was no doubt in the recollection of the House, that those who supported the Bill which passed last Session for the encouragement of voluntary enlistment of seamen, dwelt strongly on the probability of sailors becoming more ready to enlist if the measure which held out such hopes to them were allowed to pass. An opportunity had very recently occurred for testing the correctness of that statement, in consequence of the increase in the number of men required for the navy. Statements had appeared in the public papers that there was considerable difficulty in procuring men for the service. But from the information which he received from Portsmouth, there never was a period in naval history when men entered the service with so much alacrity. He was desirous, therefore, to know whether his information was well-founded?

Mr. *Charles Wood* felt the greatest pleasure in stating that the account given by the hon. Gentleman (Mr. Buckingham) was perfectly correct. In consequence of the inducements held out for promoting the voluntary enlistment of seamen, there never was a period when they entered he service so readily and so rapidly as within the last fortnight. He had been informed that the fishermen and boatmen who used formerly to run away through fear of impressment, now cheerfully and willingly came forward to enter.

The House went into a Committee of

SUPPLY—NAVY ESTIMATES.] On the question that 24,330*l.* be granted for the wages of workmen in foreign dockyards,

Sir *E. Codrington* rose to call the attention of the House to the inadequate wages received by the workmen in the dockyards. They had been praised by the Admiralty, but their wages had been reduced from 2*l.* 17*s.* per week, in 1814, to 1*l.* 7*s.* 6*d.* in 1821. Since then their ship money had been taken away, and a considerable number of them had been turned adrift without either pay or pension. In many cases, too, no allowance had been made to the shipwrights and others who had received hurts in the service. This conduct he considered very injurious to the public, for, in case of a war, the services of such men would be required, and then it would not be possible to obtain them.

Mr. *Charles Wood* admitted, that the dock-yard wrights were a most exemplary body of men, but when they received nearly 3*l.* per week, they were obviously paid at too high a rate. Sir James Graham, when first Lord of the Admiralty, had ascertained that the average rate of wages in private yards was 4*s.* per day, and the wages paid in the King's dockyards exceeded the average of the wages paid in private dock-yards. The men in them, too, had the chance of a pension, and they had medical assistance whenever they were laid up by accidents. He considered those statements a sufficient answer to the observations of the gallant Admiral though the Admiralty he was sure had every wish to treat the men in question with the greatest consideration, knowing that their services were indispensable.

Vote agreed to.

On the question that 71,431*l.*, for completing the sum necessary for the purchase of naval stores, be granted to his Majesty.

Mr. *George F. Young* thought this vote ought to be accompanied by detailed statements of what the money was wanted for. He must complain too of the manner in which the timber store for the navy was obtained. Instead of being procured by public contract, it was made the subject of private arrangement with parties possessing influence with the Admiralty. If it were left to public competition, a great saving would result. The public market also would be less liable to fluctuations, and the public and individuals would both be benefited by open competition. He objected also to the vote because he believed there was no responsibility that the stores would be properly applied. He must complain too of the lavish expenditure of stores, occasioned by the experiments in naval architecture now being made by Captain Symonds. He had a great respect for that officer, but he thought that gentlemen brought up to the business of ship-building, were more likely to build ships well, than a naval officer with whom every vessel he constructed was an experiment. Such a proceeding was extravagant and disastrous. Captain Symonds claimed to have discovered a new principle of ship-building. For his part he did not believe in its efficacy, but all the old ships would be pulled to pieces to build new ships on Captain Symonds's plan. He could have no confidence in estimates prepared under such auspices, particularly as several of Captain Symonds's ships had been altered while building, and altered after they had been built. He repeated that he objected to the whole sum being proposed in a lump. He thought that when money to such an amount was called for, details should be given, and he was afraid that those who had the management of this department were inadequate to the task.

Mr. *Charles Wood* defended the vote. All the information was given in the estimate which could be useful to the House, and he had explained, on introducing the estimates, that this sum was demanded on the responsibility of the Government. Timber was not purchased as the hon. Member said privately, it was sometimes bought by contract and sometimes by private bargain as circumstances dictated; and he was ready to maintain that no more than the fair market price had been paid for timber. With respect to Captain Symonds, he had only to say that persons who, without the smallest disrespect to the hon. Member were by profession far more competent to form an opinion on the subject, had expressed themselves in terms of high commendation upon the subject of his experiments in naval architecture. The hon. Member complained of the waste of stores by Captain Symonds's experiments; the fact was, that the quantity of timber required each year had been gradually diminishing from 21,000 loads in 1829, to 9,000 loads in 1834; yet there were more ships at sea in 1834 and more building than in 1829. He must deny too that Captain Symonds's ships were altered either during the building or after they were built. All Captain Symonds's ships had been finished according to the designs first laid down, and almost all other ships were altered in the progress of constructing them. He should be ready to meet the hon. Member when he made any direct charges; at present the hon. Member only made insinuations.

Admiral *Adam* confirmed all that his hon. Friend, the Secretary of the Admiralty had said, with respect to Captain Symonds's character and his merit as a ship-builder.

Sir *George Clerk*, while he admitted Captain Symonds's merits, objected to the system of making a naval officer surveyor of the navy. The surveyor of the navy ought to be well instructed in, and conversant with, naval architecture.

Admiral *Adam* praised the construction of Captain Symonds's ships; and, adverting to the Barham and the Vernon, observed, that although the Barham did much better than he expected, the Vernon greatly exceeded her in stability.

Vote agreed to.

On the question that a sum not exceeding 99,256*l.* be granted to his Majesty to defray the expense of conveying convicts to New South Wales,

Mr. *Goulburn* said, he would take that opportunity of alluding to the two convict vessels, the George the Third and the Neva, which had recently been wrecked, and of the dreadful loss of life by which the wreck of each had been attended. Looking at the length of the voyage, and the number of human lives at stake, it was highly necessary that none but vessels of the most sea-worthy class should be employed on this ervice. He thought it would be highly satisfactory to the House and to the country, if the hon. Gentleman opposite (Mr. C. Wood) would take this opportunity of stating what had been the result of the inquiries made by the Government as to the loss of the two vessels he had named, and also whether there had been any change introduced either into the mode of surveying vessels previous to their being taken up for this service, or in the rate that was paid for them when they were so taken up—whether in fact any such change had been adopted as could lead to the supposition that a better class of vessels would for the future be employed.

Mr. *Charles Wood* replied, that the most minute inquiries had been made into the circumstances attending the wreck of the vessels to which his right hon. Friend had referred; and if a wish to that effect were expressed, he should be willing and happy to place the whole of the information which had been obtained on the subject before the House. With respect to the mode of taking up convict ships, he begged to state, that since the year 1833, such alterations had been made as necessarily secured the employment of a better, more comfortable, and more sea-worthy class of vessels than those formerly engaged in this service. Before any vessel was taken up in any port, it was surveyed, and must be favourably reported of by the resident agent of the Government, assisted by a naval officer and an intelligent shipwright. In the case of the George the Third, the parties who surveyed her and upon whose approval she was taken up, declared that when she left Deptford she was in every respect, a fit and proper vessel for the purpose for which she was to be employed, and that her subsequent loss could not in any way be ascribed to her want of sea-worthiness. The result of the inquiries which had been made upon the subject went, indeed, directly to show that the loss of the George the Third was attributable, not to any defect or decay in herself, but to the attempt to carry her through a dangerous and not well known strait. As to the Neva, the most rigid investigation had been instituted into its character before it was permitted to sail; and it was declared sea-worthy not only by the Government surveyor but by the surveyor of Lloyd's, an impartial witness. Very considerable expense had been incurred to repair that ship.

Mr. *Chapman* said, the loss of the vessel in question had not so much to do with the character of the vessel as with the temerity of the commander in putting it through this difficult strait at night.

Mr. *George F. Young* said, that though the George the Third and the Neva were old vessels, they happened to be good ones for the service they were engaged in; but it was the system of taking up and inspecting vessels that was so defective. For instance, the Anne was reported when taken up by the Government inspectors, as fit for the service; but the economical system they were restricted to, did not enable them to look deep enough, and it was only afterwards, when an accident obliged the Anne to undergo a slight repair for the fitting of a new fore-foot, that it was discovered that her principal timbers were in such an unsound state that if sent to sea in the state the inspectors had pronounced her fit for service she must have certainly foundered in the first gale. To attain the results they desired, Government must establish a more liberal rate of allowance for inspection, and then only superior vessels would be taken up, for which, of course, they must pay a higher rate of freight. Thus only could they obtain good vessels for such a service.

Mr. *Thornely* had been credibly informed that the Neva was twenty years old. If so, the Admiralty were certainly not justified in hiring such a vessel without a strict examination into her soundness. He, however, was of opinion, that no vessel ought to be employed for so important a purpose as the conveyance of hundreds of human beings if her age exceeded eight or ten years.

Mr. *Hume* said, that taking the statement as true, that the Neva was twenty years old, the Admiralty had certainly failed to justify the manner in which she had been hired, Mr. *Wakley* also thought the explanation offered by the hon. Gentleman (Mr. Wood very unsatisfactory. Nor was there any intimation that the system would be abandoned.

Sir *Thomas Troubridge* wished that those hon. Gentlemen who seemed to know so much of nautical affairs would explain to the House how any vessel, be she of whatever class, could run among rocks at nine miles an hour with double-reefed topsails without going to pieces.

Mr. *Wakley* said, that he had once been a voyage to the East Indies, and therefore, knew something about the sea and about ships, and he would himself be glad to know what sort of a commander he would be who would have the temerity to run among rocks, with double-reefed topsails, at nine miles an hour.

Sir *Thomas Troubridge* said, that from the rock not having been properly laid down in the chart, the Captain had run upon the rock in ignorance.

Mr. *Charles Wood* read a testimonial of the commander's fitness, from which it appeared that he had had a previous experience of the navigation of the seas in which the vessel was wrecked, and that he had not been chosen to the command of the vessel without having had the highest character from naval officers.

Mr. *Hume* said, that after this testimonial, there could be no further doubt as to the previous fitness of the commander; but it must still be remembered by the Admiralty that there was such a thing as examination. He still maintained, that no vessel ought to be hired for such a purpose as this, unless her soundness had been previously ascertained by competent surveyors.

Mr. *George F. Young* hoped, that this discussion would at least have one good effect, in showing to the Government that it would, in future, be better to have testimonials to the fitness of commanders and examination of the soundness of vessels before hiring them to perform this most important service, rather than to expose themselves to those suspicions, which, however unfounded they might be, were nevertheless excited when those unfortunate occurrences took place.

Sir *G. Clerk* hoped, that in future none but A. 1 vessels would be employed. As this was the last vote, he could not but compliment the hon. Secretary on the clearness with which the estimates had been laid before the House. At the same time, however, he could but regret that there had been in the present case a departure from the practice of the estimates being introduced by a Lord of the Admiralty.

Mr. *Wakley* could not agree with the hon. Baronet in thinking that these estimates deserved credit for so much clearness; and he should next Session, divide the House upon every estimate unless they were much more clear and explanatory.

Vote agreed to.

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HOUSE OF LORDS,

Monday, April 18, 1836.

MINUTES.] Bills. Read a first time:—Mutiny; Marine Mutiny; Slave Abolition (Jamaica); Writers to the Signet Widows' Fund.

Petitions presented. By Lord SEAGRAVE, from the Dissenters of Hemel Hempstead, and Stroud, for Relief.—By the Earl of WESTMORELAND, from various Places, for an Alteration in the Ecclesiastical Courts' Consolidating Bill as relates to the Probate of Wills.—By the Marquess of DOWNSHIRE, from Newry, against the Municipal Corporations' Bill (Ireland).—By the Marquess of BREADALBANE, from Perth, in favour of the Municipal Corporations' Bill (Ireland).—By Viscount MELBOURNE and Lord STAFFORD, from various Places, in favour of the Municipal Corporations Bill (Ireland).—By Lord STAFFORD, from Rochester, against the Punishment of Death for any other Crime but Murder.—By Lord WYNFORD, from Beaconsfield, against Imprisonment for Debt.—By Lord TEMPLEMORE, from Kilcoursy, that Landlords who eject their Tenants may give them some Compensation, and that Poor-Laws may be introduced into Ireland.

CORPORATION REFORM (IRELAND).] Lord *Fitzgerald* had to present a petition from the Mayor, Sheriffs, and Aldermen of Drogheda, against the Irish Municipal Corporations Bill, which stood for a second reading this evening. The petitioners complained that the measure, if passed into a law, would be subversive of their rights, and would injuriously interfere with those privileges which the Corporation had long enjoyed. They stated, that they had received charters from James 1st and William 3rd, and that the object of those charters was to protect and extend the Protestant religion in Ireland. They set forth that they had great reason to complain of the Report of the Commissioners appointed to inquire into the state of the Irish Municipal Corporations, who, they alleged, had not fairly taken the evidence relative to the administration of property intrusted to them for corporate purposes. On that point it was not his intention to enter into any argument or explanation; but he was bound to say, with respect to those allegations, so made by the Commissioners, that the petitioners now, as they had done before, challenged investigation, and invited inquiry. They stated, that they would be able to establish, at the bar of that House, or before a Committee of that House, the fact, that in no instance had the corporate property been improperly used, but that it had constantly been appropriated to those objects for which it was originally given in trust.

Petition to lay on the Table.

War in Spain.] The Earl of *Aberdeen* wished, before the House proceeded with the Orders of the Day, to ask a question of the noble Viscount. A short time since, he moved for copies of the correspondence between his Majesty's Minister in Spain, and the Spanish Government, for the purpose of ascertaining what had been done by the British Government to humanize in some degree the warfare that was carrying on in the Spanish provinces. The noble Viscount, in assenting to that motion, did not give their Lordships reason to expect that any very luminous or extensive correspondence would be produced. But, whatever correspondence might exist, certainly no return had as yet been made. Now, he begged to observe, that the subject was now of far more importance to this country, than when he had asked the question and made the motion to which he had alluded; for his Majesty's Government had thought proper, as it would appear, and without solicitation, to embark his Majesty's navy in this cut-throat system of warfare. In consequence of the support thus given by his Majesty's forces, the honour of this country, and the safety of our fellow-subjects were much more deeply called in question than when he made the motion relative to the correspondence. He, therefore, begged to be informed by the noble Viscount, whether he was aware of any reason to prevent the production of those papers, and farther, he would request of the noble Viscount to give directions for their being speedily laid before the House.

Viscount *Melbourne* did not know what was the reason of the delay, but he would take care that the papers should be laid before the House immediately. As to the steps which had been taken since the motion of the noble Earl was made, he admitted that they gave additional interest to the subject. With respect to the measures that had been adopted to alter the character of the war in Spain, he was convinced that it would give great satisfaction to the noble Earl when he assured him, that he had this day seen a despatch, which stated, contrary to the observations made in that House, as to the utter inefficiency of the convention to effect the purpose for which it was entered into, that that convention had been beneficially acted on in that part of the country to which it originally had reference, and that it had been extended to Catalonia and other parts not at first contemplated. He was sure that it would be satisfactory to the noble Earl, and to the noble Duke (Wellington), to be informed, not only that the assertion that the convention had not been attended with any good effect, was not in accordance with the fact, but that it had tended, in a great degree, to make the war in Spain more humane, and to save a great number of lives.

Railway Bills.] The Marquess of *Lansdowne* moved that the House should proceed to the further consideration of the Report made by the select Committee of the House of Commons, "to inquire into the best modes by which information can be afforded to the House on the different Railway Bills, and the resolutions founded thereupon." The noble Marquess, after a few prefatory observations, proposed that their Lordships should agree to the Resolutions of the House of Commons, to which he would add two other Resolutions—namely, "that the above Resolutions be not understood to dispense with the standing orders heretofore observed by their Lordship's House;" and, "that where no parties shall appear in support of a petition against a Railway Bill, their Lordships shall exercise their discretion to inquire into the facts."

The Marquess of *Londonderry* could not avoid saying, that their Lordships were called on rather hastily to adopt those resolutions. He understood, on the former evening, that the resolutions were to be printed, that noble Lords might thus have the liberty of consulting them. But such was not the fact. Early in the Session he had stated his general view of the railway question. In his opinion, a very great distinction ought to be made between those railways that were constructed with a view to great public utility, great commercial advantages, the connecting large manufacturing towns with other manufacturing towns, and that species of railways which were got up under the auspices of individuals, as mere matters of speculation, particularly in great mining counties. These latter ought not to be encouraged. He could not but disapprove of the manner in which some of those Bills had been supported elsewhere. There were in the county with which he was connected, two railways, one of which was, he believed, in consequence of the want of funds, and the loans which it was necessary to procure, actually in possession of the Government at that moment. He hoped that the noble Marquess would afford him an opportunity to offer some suggestions on the subject of railways. At the same time, he knew that it was a little disagreeable for any individual to bring forward resolutions when Government had charged itself with any particular measure. He wished, however, that this subject had been taken up by the noble Earl (Malmesbury) below him. His knowledge and experience would enable him to develope the effect which the railway system, if not vigilantly attended to, was likely to produce in different parts of the country.

The Earl of *Malmesbury* had no objection to avail himself of any information which might be derived from the proceedings of the Committee of the other House; but their Lordships were bound, with reference to such an important measure as this, to take it into their most serious consideration, and to discuss it fully. He thought, however, that the best way would be to refer the subject to a Select Committee, particularly as the landed interest might be seriously affected by these sort of railway speculations into which it was their Lordships' duty to look with great strictness.

The Earl of *Wicklow* had already expressed sentiments similar to those of the noble Earl who had just sat down. He concurred in the Resolutions of the House of Commons; and he believed that it was incumbent upon their Lordships to take more than ordinary care in the consideration of this important subject. Their Lordships were well aware of the difficulty in coming to a decision upon railways; and there could be no doubt that if carried to the full extent to which there was reason to believe they might be, their Lordships would have much business of this nature before them. There were no less than fifty or sixty Railroad Bills in the other House, shortly to come before their Lordships; and as the guardians of the property and rights of his Majesty's subjects, it was their duty to devise means consistent with the forms and orders of their House, for promoting measures which were likely to tend to the future prosperity of the country. He saw no better mode than the one suggested by his noble Friend (the Earl of Malmesbury), the appointment of a Select Committee, to take into consideration the means which can be devised for the purpose of facilitating the passage of such Bills through the House.

Lord *Abinger* saw no objections to the resolution, provided the Committee on each Bill was at liberty to go into the inquiry in all cases in which it might deem inquiry necessary.

Lord *Ashburton* was anxious that their Lordships should adopt the proper means to prevent serious injury resulting from the present mania, but at the same time they should do it temperately. The dispensing power of the Committee, proposed by the last resolutions of the noble Marquess, hardly gave sufficient latitude, because there might be an opposition to a Bill for only five minutes, and in that case, the Committee would be obliged to go into all the proofs already given before the other House. It was highly necessary that some means should be adopted to prevent such a public scandal as the expenditure of 40,000*l.*, 50,000*l.*, or 60,000*l.*, in order to procure the passing of a private Bill.

The Marquess of *Lansdowne* had not heard any objection to the resolutions, except the qualified one of his noble Friend who had just sat down. He concurred with his noble Friend, that a trifling alteration in the fifth resolution would give more latitude to the powers of the Committee, in dispensing with the necessity of entering upon the examination of evidence a second time; and he would, therefore, make such an alteration.

The Marquess of *Londonderry* begged to mention one or two of the hardships which had been already sustained through projects of this description. By the prospectus of the Clarence Railway scheme, it appeared that the capital required was 200,000*l.*, but that amount being subscribed, it was declared, that there was no prospect of the undertaking succeeding with that sum, upon which the Company borrowed Exchequer-bills, at different periods, to the amount of 20,000*l.*, 50,000*l.*, and of 11,000*l.* The whole sum borrowed amounted to no less than 111,000*l.*, and the whole expense had been 380,000*l.*, for a work which yielded no more than 2,500*l.* a-year. He was, therefore, induced to hope the noble Marquess would follow the suggestion of the noble Earl (the Earl of Malmesbury), and appoint a Select

Committee to consider of the matter previous to the adoption of the resolutions.

The Resolutions were agreed to.

CORPORATION REFORM (IRELAND).] Viscount *Melbourne* moved that the Order of the Day for the second reading of the Municipal Corporations (Ireland) Bill be read. The Order having been read, the noble Viscount moved that the following passage in the King's Speech be read, which was read accordingly.

> "You are already in possession of the Report of the Commission appointed to inquire into the state of the Municipal Corporations in Ireland. I entertain a hope that it will be in your power to apply to all the defects and evils which may have been shown to exist in those institutions a remedy founded upon the same principles as those of the Acts which have been already passed for England and Scotland."

The noble Lord then said, that in moving the second reading of the Bill for the regulation of the Municipal Corporations in Ireland, sent up to their Lordships by the House of Commons, he begged in the first place to observe, and he should do so without any view whatever of dictating to their Lordships, or of calling on them merely to register the edicts of any other assembly, that this Bill in all its parts, in all its provisions, in all its details, and in all the regulations it proposed to carry into effect, came up to that House recommended by a very considerable majority of the House of Commons. But what he begged leave more particularly to point out was, that with respect to its general object, the reformation of the Corporations as they at present exist, with respect to the admission that they cannot remain in their present state, that they are in themselves faulty and inconsistent with the present state of society, it came up recommended by an unanimous vote of the other House. There was no difference of opinion manifested in debate on that point. It was admitted by all, that no other conclusion could be drawn from the Report of the Commissioners appointed by his Majesty, and which was on their Lordships' Table, than that these Corporations, as they now existed, could be tolerated no longer. This Bill was founded, as was the Bill of last Session, upon the Report of that Commission. But for some observations made in the early part of the evening, he was going to state, that he had not heard a single word of the objection advanced in the course of last Session upon the Bill for the regulation of Municipal Corporations in England, very unjustly, in his opinion, but still very strongly, and not without some effect upon the minds of their Lordships; he had not heard any condemnation of the conduct of the Commissioners, or of the manner in which they had conducted their inquiry, or of the results they had deduced from it. He was going to say that he had heard no accusations of partiality, no aspersions cast on their conduct, no imputation of unworthy motives, or anything that could detract from, or diminish the authority of their Report and of their recommendations. Certainly the noble Lord opposite (Lord Fitzgerald), in presenting a petition that evening in behalf of the town and city of Drogheda, had stated some imputations on the conduct of the Commissioners who examined into the state of that city. Of course, upon that matter, he could at present give no opinion whatever; but with that exception at least, he was entitled to say, that up to the present moment, this Report was unattacked, and had been admitted to give a fair picture of the state of the Irish Corporations, the way in which they discharged their duties, the abuses which prevailed in them, the insufficient manner in which they fulfilled their present object, and the ends for which they were instituted, and of the necessity of applying to them a temperate and cautious, but, at the same time, an effectual reform. Their Lordships were probably aware from the Report, that these Corporations were greatly more close, greatly more corrupt, and consequently greatly more irresponsible, than even those to which, notwithstanding all the evidence heard last Session at the Bar of their Lordship's House, notwithstanding all the eloquence of the learned counsel who commented on it, and the very great effect it produced upon many noble Lords, they had thought proper ultimately to apply a very searching and decisive remedy. It was stated in the Report—

> "In the great majority of the Corporations no right or inchoate title to admission as a freemen or member is now recognized, and admission or exclusion depends on the mere pleasure of a select or governing body. Where such rights are acknowledged to exist, they vary considerably in the different Corporations.
>
> "The modes of admission which have become established in most Corporations, have further contributed to limit the number of freemen, and prevent the formation of a general and comprehensive commonalty.
>
> "The Charters of James I., as already stated, vested in the chief officer and free burgesses

of the Corporations then created the function of admitting the members of the commonalty. Select or governing bodies, under the name of Common Councils, became generally established in the ancient Corporations, and appear to have early acquired the privilege of deciding on the merits of the claims to freedom, and of granting or withholding admission.

"They exercised also, without limit as to numbers, the power of admitting whom they pleased, by what is generally termed 'special grace.'

"Possessed of these powers, the governing bodies have too commonly used them without scruple, not as trusts to be exercised for the benefit of the community, but as the means of attaining for themselves an exclusive dominion over the general inhabitancy, and political influence in the election of Members of Parliament. The course which they seem to have almost universally pursued for this object has been to concede, with the utmost parsimony, to the *inhabitants* the right to become members of the Corporations as freemen."

The close nature and constitution of these Corporations, he must remind their Lordships, were very greatly aggravated and increased by the Act 21 George 2nd, for which the ancestor of the present Lord Privy Seal was generally held responsible —why he could hardly conceive, and still less appreciate the motives by which he was said to have been actuated. That Act made residence in the governing body entirely unnecessary, under the pretence that there were, in many towns, not sufficient Protestants to form these Corporations. On that ground persons were placed in the Corporations who were quite unconnected with the towns, and yet exercised a complete domination over them. The result was, that in many towns of very considerable trade and traffic, Youghal for instance, the Corporations had fallen wholly into disrepute. "The Corporation of Youghal (say the Commissioners) has long become unpopular; the objects for which it is constituted are, in many instances, of no utility, in others they are injurious, in all insufficient and inadequate." It had always been his opinion, when there were evils which required reformation, and when there was a general disposition to reform them, not to cast too strict a look backwards, by perpetually calling up, and taking notice of, any abuses which might have taken place, particularly when those abuses did not so much reflect on the individuals who had participated in them, as on the system that naturally and necessarily gave rise to them. The Corporations of Ireland were irresponsible bodies, self-elected, which had large property to administer, with respect to which there was no opportunity of calling the corporate officers to account, and in which the legal proceedings were so prolix, expensive, and so dilatory, that it was impossible to procure a speedy and effectual redress. Such a state of things naturally generated abuses which it was unwise and imprudent, especially when they were determined to reform them, to inquire into and press upon with too much bitterness and severity. He should look more,—as in the case of the English Corporations, for, if their Lordships recollected, by the arguments he had employed, he had maintained the propriety of reforming them on the ground of the political evils which resulted from them—he should look much more to the divisions and hostility, the enmity and animosity, existing in the corporate towns of Ireland, than to any strong cases of abuse or malversation which had been adduced against individual Corporations. What was the case with respect to those Corporations? He would take that part of the Report which related to Enniskillen. Among other matters in it, to which he would not further allude, he found the name of the noble Lord opposite (the Earl of Enniskillen) was frequently mentioned, but never in a manner otherwise than highly creditable to the noble Earl. But the Report stated, "The Corporation of Enniskillen supplies no Magistrates, provides no police, maintains no gaol, furnishes no nightly watch, makes no provisions for the lighting and cleansing of the town, and performs adequately no function which it ought to perform." A similar state of things prevailed in the Corporation of Londonderry, which furnished a remarkable illustration of the inadequacy of the present Corporations to perform any of the duties of a government for large and populous towns. The Report, speaking of Londonderry, said, "In the year 1808, 1814, 1825, and 1832, the Legislature found it necessary to create new local bodies for the management of the affairs of the town." Now, upon the facts thus detailed in those particular Reports, upon the reasoning of the general Report, and upon the admission of all who had argued on this subject, it was evident that the Corporations, as they at present existed, demanded a thorough and entire reformation, for they did not perform the duties which they ought to discharge, and thus they produced all those evils which followed when authority was not exercised in a manner beneficial to those for the protection of whose interests it was given. This had been most distinctly, fairly, and honourably admitted by those most instrumental in passing the Act of the late King for removing the penal disabilities which then pressed upon the Roman Catholic subjects of the Crown, and who must necessarily be most anxious for carrying out that measure. Those persons considered them to be so exclusive, that their very existence was utterly inconsistent with the state of society now existing. Not only had these Corporations excluded Roman Catholics, but Protestants whose opinions did not coincide with their own; and they had not only introduced division between Protestants and Roman Catholics, but between Protestants themselves. It did appear to him, then, that it was incumbent on their Lordships to make provision for admitting all classes of his Majesty's subjects in Ireland, of whatever religion they might be, to their due share in the management and government of these towns. The Bill now presented to them was framed for the most part entirely upon the Bill passed by their Lordships last session, a great part of which was the work of a noble and learned Lord on the other side, lately Lord Chancellor. He was sorry to hear the noble Lord speak the other night in such a disparaging manner of it. The noble Lord had said that the Bill was now the law of the land, and added, with something of a sneer, that of course we should all wish to carry it into effect. It was rather unnatural not to express good feeling towards one's offspring, and he was surprised at the noble Lord's coldness towards a Bill in producing which he had so large a share. Knowing their Lordships' habits of business, it would be quite disrespectful in him to suppose that they were not all perfectly acquainted with the provisions of an Act of such great importance as the one passed last Session, especially as they had heard it fully debated last year, and seen its provisions fully carried into effect during the recess. Presuming, therefore, on this knowledge, he thought it would be sufficient if he simply stated in what points the Bill now before them agreed with it, and in what respects the two measures differed. The present Bill, in the same manner as the former Act, reserved the rights of freemen perfect and inchoate, and all the rights of property. The same regulations, with respect to metes and bounds of boroughs, were common to both measures. The present Bill established the same form of local government — a mayor, alderman, and council, and generally the same forms and rules in other appointments. The same power was given to appoint officers, to dismiss them, and to give compensation. There were precisely the same regulations with respect to the charities of Corporations, which were left in the same hands as at present, until Parliament should alter this arrangement. The same power of regulating the watching, of appointing special constables, of managing the borough funds, paying officers out of them, and imposing rates, was proposed to be given to the town-councils as was given in the English Bill. There were the same restrictions on the regulation of property, regarding advowsons in the gift of Corporations, and the same provisions for the administration of justice. The Recorder was appointed in the same manner, and was to be made sole judge at the borough sessions. He believed there was no distinction in this respect, except that it was proposed to continue the Courts of Conscience, which had been found extremely beneficial in the Irish boroughs, and which it had been thought advisable to retain. The same power was lodged in the Crown of giving Corporations where the inhabitants desired them, and where they should be judged to be necessary. These were the points which constituted the general agreement between the two Bills. The first difference he should think it necessary to mention was with respect to the qualification. This Bill proposed to enact a *5l.* qualification. In the English Bill, the qualification was determined by the amount of the Poor-rates, but in the present Bill such a qualification was out of the question. It was found, if they had adopted the Scotch qualification of 10*l.*, that in many of the Irish boroughs where the property was of small value, it would have given so limited a constituency as to have rendered the reform of the Corporations entirely nugatory. It had been therefore resolved to adopt in the seven larger Irish boroughs a qualification of 10*l.* annual rent, and in the smaller ones a qualification of 5*l.* annual rent. This would not give too large a constituency in large towns; and would, at the same time, leave a large enough constituency in smaller places. The duties performed by overseers in England, there being no such officers in Ireland, were in part confided to the hands of the churchwardens. The appointment of revising barristers, which in the case of the English Act was to be intrusted to the judges, would be by the 15th clause left to the Lord-Lieutenant. The Ministers had been lately very unjustly charged with a desire to increase unduly the patronage of the Crown, notwithstanding that he should be prepared to show a Committee that this arrangement would be much the most proper in Ireland. The 22nd clause of the Bill made a difference in the election of aldermen. Their Lordships were aware, that from a desire to preserve that ancient and venerated name, their Lordships had introduced a clause into the Bill of last year, placing the election of Aldermen in the hands of the town-council, the effect of which was to give to the party predominant in the borough a much greater predominance than it naturally had; for, supposing the number of councillors to be twelve, and that of the aldermen four, and that seven of the councillors were of one opinion and five of another—then the numbers of the respective parties would be pretty equal; but if to these seven was given the election of four additional councillors under the name of aldermen, this would make the proportion of the two parties eleven to five—a majority of more than two to one, and there would be no fair representation of the real state of opinion in the borough, as indicated by the first election. In the present Bill, therefore, to prevent this evil they had thought it right that the whole of the aldermen as well as the town-council should be elected by the burgesses. The 34th clause reserved to Parliament the power of directing in what manner the division into wards should be effected, an office which under the English Bill was discharged by Commissioners specially appointed, and which by the former Bill for Ireland was vested in the Lord-Lieutenant. The Bill, by the 53rd, invested the Lord Lieutenant with the power of appointing Sheriffs in the cities which were counties of themselves, who were elected under the English Corporation Bill by the town-councillors. It was hardly necessary that he should explain to their Lordships, it would be much better that the appointment to an office so intimately connected with the administration of justice should be vested in the Crown, than that it should be determined by election. And now, having pointed out the grounds on which he thought it absolutely necessary that their Lordships should pass the present Bill, having pointed out the particulars in which it agreed with the Act passed by them last session, and having enumerated all the material points of difference between these measures, he should have concluded what he had to say, and content himself with moving that the Bill be now read a second time, if it were not for the arguments which had been held, and the motions which had been made, in another place—motions to which, as they stood on the journals of the other House of Parliament, he might call their Lordships' attention without any impropriety whatever, or any breach of the orders either of the House of Lords or of the other House. It had been said, though it was admitted that the Corporations of Ireland could not consistently with the state of that country and with the present state of the law and constitution be suffered to continue, that there were such material differences between this country and Ireland, such great and striking discrepancies, that it would be highly unwise and imprudent in legislating for Ireland to abide by the same provisions as were by their Lordships' wisdom applied to this country. In the observations he was about to make on this argument he should preserve the utmost temperance and caution; he should not charge anybody with inconsistency, he should not make a violent or declamatory attack on any one, he would not say that such an objection was utterly inconsistent with the course of opinions professed by any party, or with the political conduct they had always hitherto held, and should not attempt to excite indignation either in this or the neighbouring country by proclaiming that it showed a disposition to deny equal rights and equal justice to Ireland, and a desire to inflict on it the miseries attendant on inferiority of social condition. He wished to say a few words on this subject, however, entirely independent of any topics that could bear the appearance of personal invective or declamation, and he begged leave most distinctly to admit that in parts of a territory subject to one dominion—parts of the same empire—there must be such great differences in their civilization, their state, in their property, their religion, their feeling, temper, and habits, as might undoubtedly also require a difference in their institutions. He understood it had been proposed in the other House to do away with the Irish Corporations entirely, to merge and sink the whole population of those towns into that of the country, to abolish all local and municipal government entirely, and render the whole of them subject to the usual and general law of the land, notwithstanding the provisions required for the administration of property and of the various privileges which might have belonged to the boroughs. Now, although he had said, that he would not make any desultory remarks on this proposition, he hoped he should not be considered as exceeding at all either the bounds of propriety or the line he had prescribed to himself if he declared himself a little surprised at the motion and at the quarter from which it proceeded —the right hon. Baronet the Member for Tamworth. It was very unlike that right hon. Gentleman; and he should be still more surprised if it were approved of here by the noble Duke. It was very unlike the character of their politics. He did not think what he said was in the slightest degree disrespectful—perhaps it would be called by some persons rather complimentary, more so than was deserved. It was rather bolder than their policy generally was; if he might make a comment on that policy in general, he would say that it was rather too late in point of time, and rather too narrow for the exigencies of the occasion. Now, this proposition was larger than necessary for the occasion, and longer in point of time. It was a great exertion of vigour and strength, leaping twice as high as the fence they wanted to get over. It was very unlike the habitual caution and reserve of the noble Duke and the right hon. Baronet, he did not think it was their measure —he thought it came from another school, a school for whose chief and leading master he had a very great respect. He admired his great Parliamentary ability, but he was certainly yet rather young, and the noble Duke and right hon. Baronet might perhaps find that his great talents would scarcely compensate the absence of temperance and discretion. He would advise the noble Duke to take care he was not hurried away from the caution which had generally marked his conduct, and which was much wanted in the politics of the individual to whom he alluded. Now, he perfectly admitted that there might be such a difference between the two countries as would require a different mode of proceeding and a different principle of legislation; he admitted there were very great differences—that there was a certain difference in the temperament and feelings of the people, in the degrees of civilization which each had attained; that there was unfortunately a difference with respect to a greater propensity in Ireland to combination and to violent outrage; and there was that great and unfortunate difference in the vast disproportion between the numbers of those who belonged to the Established Church and those who did not, which they might view some in one light and some in another, but which he trusted none would allow to influence their decision on the present question. Ireland possessed a system of police essentially different from that adopted in England, and in fact, under difficulties and disturbances, was invested with far greater remedial powers than her neighbours. These were differences certainly, but they were not differences worthy of any very great consideration. But there were some resemblances, too, which could not but be looked upon as important. The people of the two countries lived under the same form of government, under the same parliamentary constitution, under the same trial by jury, and under the same liberty of the press. Now, he would say that these points of resemblance were of far greater weight than any points of difference existing between the countries, and their Lordships ought to pause and consider before they made those points of difference greater than they had evidently been looked upon by the other House of Parliament. He would do nothing to excite the feelings of the Irish people, but he was most fully persuaded that they could not be left out in the consideration of this question. It was their Lordships' duty not to do anything calculated to alienate them from the Government, but every thing in their power to soothe and conciliate them. It was not his intention at present to go fully into the question of local government. He apprehended, however, that some sort of local government prevailed in all civilized nations. It had prevailed to a greater degree in ancient than in modern times, and had been neglected in no country in Europe more than in England. Corporations perhaps might not be absolutely necessary for the well-being of a community, and their Lordships were aware that Nottingham and other large towns had not managed their local affairs in such a manner as to give satisfaction with a Corporation, whilst Manchester and Birmingham had succeeded in doing so without. The system of local government had long been extant in England, Scotland, and Ireland, and the question now was, whether their Lordships would do away with them in the latter country altogether, and thereby pursue a line of conduct which would be but little agreeable with the wisdom and prudence of statesmen. Their Lordships were called upon to consider, not the points of difference between England and Ireland, they were not of such a nature and magnitude as to justify so large a departure from the customs of old times, the long-established practice of this country, and the laws they had lately passed for the other parts of the empire—they were called upon to consider whether, if there were differences, they were all of such a durable nature as to justify a different law which he presumed was intended to be permanent and durable as the short-sightedness of human views and the imperfection of the human understanding would admit. The noble Viscount concluded by moving that the Bill be read a second time.

Lord *Lyndhurst,* before the debate was prosecuted any further, thought it was his duty to point out the course which he and other noble Lords on his side of the House intended to pursue with reference to the measure which had been sent up to them from the other House, but not sanctioned, he must say in answer to the noble Viscount, by any very considerable majority. It was, undoubtedly, a question of the greatest importance with regard to any course their Lordships might determine upon pursuing, and required to be discussed with the utmost calmness and deliberation. But, before he entered upon the main subject, their Lordships would permit him to advert to an observation which had fallen from the noble Viscount, which he had repeated several times during the course of the last Session and which he had now again made use of. It was not fair of that noble Lord to impose upon him the charge of that noble Viscount's offspring. He had, undoubtedly, endeavoured to remedy, as far as he was able, any defects in the Bill of last Session, and, to a certain extent, he had succeeded; but he still thought it unfair in the noble Lord to throw upon him the charge of his own offspring. In reference, now, to the subject matter of the debate, he had always understood, when any proposition for the reformation of abuses was to be made, the plain and clear course to be taken was, to point out the existing evil, and to state the remedy which was proposed to meet it, and the effect which that remedy would produce; but what he complained of was, that the noble Viscount had not told them what would be the effect of the proposed measure, and he complained of that because upon the consequences it produced, the utility of the remedy must depend. He would not go to the Report, nor did he know what reliance was to be placed upon that document, but it was admitted on all hands that in the Irish Corporations evils to a very great extent did exist; they were not disguised, but open, acknowledged, undoubted evils. They resolved themselves into exclusion, the administration of justice being placed in the hands of one party only, and the mal-administration of the municipal government, in consequence of its being placed in the hands of one party Those were the evils that existed; that was a summary of the inconveniences attached to the present system of municipal government in Ireland; and he was quite as ready as the noble Viscount to say, that an adequate remedy ought to be provided. The existing evils were not denied by the people of this country; they were not denied by the Protestants of Ireland; they were not denied by the members of the corporations themselves; and the greater part of those members even wished for a remedy, provided one could be found which would have a fair and just operation, and would not be the means of introducing evils of a similar description. What was the remedy proposed by the noble Lord? He was sure there was no noble Lord in that House who, having carefully and attentively considered the subject, would not feel that, so far from any improvement being effected by it, the existing evils would only be aggravated. Would the system of exclusion be remedied? He would ask the noble Lord to think of the present state of parties in Ireland, of the effect of the proposed measure upon that state of society; and, then, if he could with a fearless conscience, deny that the exclusion of the new system would be worse than that of the present. Would the administration of justice be taken out of the hands of one party? Would justice be administered one jot more fairly, more independently of party and political feeling? Again, he would ask the noble Lord to consider the species of popular feeling which existed in that country, and then to answer, sincerely, whether he did not believe, that the evils of the present system in that respect would, under the proposed one, be aggravated tenfold? What, then, would be the consequences of adopting the Bill now before their Lordships? The Corporations would not then, it was true, consist of Protestants—it was true they would not consist of Conservatives; but they still would be exclusive; they would consist of one party, and that the anti-Church party — those who were daily seeking the dissolution of the empire, and the overthrow of the Protestant Church—that party which, for want of a better name, he must denominate the Radical party. What was the scope, what was the object of this measure? It was true it would take all municipal power out of the hands of the Protestants, but it would only be to transfer it to the grasp of their opponents, whom he had just described to their Lordships. Would, then, the proposed measure lead to anything more than to a direct transfer of power? Their Lordships had already seen the effect of a similar Bill in England; they had seen in what manner the municipal elections and appointments had been conducted in England. Let not the warning, then, be lost; let them see how the same principles and the same regulations would apply to the state of circumstances in Ireland; and then say whether the remedy which they were endeavouring to administer would not aggravate the evils to be remedied in the present Corporations of Ireland. What had been the object of those who had framed, and those who had countenanced, and those upon whom the measure had been imposed? Why, the object of all was power—power, which had been the object of every measure of reform that had been introduced into Parliament, from the measure for the amendment of Parliamentary Representation down to the Bill upon which their Lordships were then deliberating. In each of those measures the object was the same—to dispossess one party of power, and to give it to their opponents. Nor was the fact disguised by the adherents of the Government, though his Majesty's Ministers themselves did not perhaps avow it; but the ease with which it had been accomplished had been far and wide resounded in triumph. If he wished for an illustration of his assertion that the only object of all the reform measures had been to secure the power of a party he need only advert to the discussions which had latterly taken place, both there and elsewhere, upon the appointment of municipal magistrates under the new English Corporation Bill; and, after a careful and anxious consideration of those discussions, he felt bound to say that he could come to no other conclusion than that those appointments had been made solely upon party and political considerations. And if, then, they found that even in so sacred and important a duty as the fair and impartial administration of justice, the attainment of political power had been the governing object, how could they avoid the conclusion, that in their measures also the object should be only a transfer of power for their own advantage, the suppression of their opponents—to trample down into the dust the Conservative power of the kingdom, and to transfer it to the Radicals? If the consequence then in England was such as he had stated, he would beg of them to consider what was likely to be the effect of a similar system in Ireland. There was party feeling in England, but it was the mere whisper of a temperate breeze when compared with the whirlwind of political passion in that country. Their Lordships might imagine the desperate struggle between parties that would ensue at the first election after the passing of the proposed measure, and they would remember that that struggle must be annually renewed. Need he again ask them, what would be the effect of the measure, to what a state of misery would that remedy bring that already unfortunate country? Their Lordships knew what usually took place, the scenes which invariably occurred, at the elections for Members of Parliament in Ireland; let them, then, only remember what was the qualification proposed by this Bill, and he would ask if the same intimidation and the same violence would not, beyond all doubt, be exercised at the elections and nominations for the new Town-councils—and if there would not be at those elections also displayed, in all its might, against the Protestant interest, the most formidable engine of political power that was ever wielded in any country, he meant the Roman Catholic Priesthood? He remembered the time when their influence had been denied, but it was now acknowledged and boasted, and an engine more mischievous, more terrible, was never let loose upon any country. But he did not like to descend into particulars of that kind, because he knew that their Lordships had read the evidence with respect to that subject, and he knew what an impression it had made upon the country at large, and what an impression it must make upon all their Lordships. The exertion of that influence had not been confined to the ordinary classes of the priesthood; but he found also in the Report of the Committee on another subject, and of the Carlow Committee, evidence of a Bishop of the Roman Catholic Church having issued circulars to every priest in his diocese, directing them to exert themselves to the utmost in favour of particular candidates. He would have referred more minutely to the evidence, but his so doing would have, perhaps, only weakened the general effect which it had made upon the minds of their Lordships. In a county, with which a noble Marquess, opposite, (Lansdowne) was connected, with the exception of the pastors of three chapels, the Roman Catholic priests had uniformly denounced every one under their direction, who did not vote in favour of the candidates they supported, as enemies to their religion and their God. He would take the liberty of reading to their Lordships a passage from the evidence of a priest himself, a circumstance which at once must render that evidence free from the shadow of a doubt. The noble and learned Lord then read an extract from the evidence of the reverend James Maher, given before the Committee of the House of Commons, upon bribery and intimidation at elections. The passage was as follows: "All of the Catholic religion will vote for Blakeney and Wallace, while we will make our stand here in the capacity of priests, and we will know the man who will vote against us; we will watch the recreant till he goes to his grave—yes, upon the Catholic slave we will set a mark and brand of infamy who will vote against his God and his country." This was an undeniable fact, and proceedings such as this had characterized the elections in Ireland for many years past. The same proceedings would now be repeated in the towns of that country under the elections to be created by the Bill of the noble Viscount. Their Lordships all knew that the Catholic priesthood denied the rites of the Church to all those who presumed to act in opposition to their wishes or advice; the consequences to such persons were, invariably, an exclusion from society, enforced in such a manner as to compel them either to fly to this country for security, or to submit with patience to the grossest insults. What, then, were likely to be the inevitable consequences of this Bill? That the Town-councils would be formed exclusively of persons of the Roman Catholic persuasion. When it was said, that the object was to get rid of a system of exclusion, were not noble Lords opposite falling into the very error they wished to get rid of, in the substitute they proposed to establish for the existing Corporations? Again, what was likely to take place as to the appointment of Magistrates under the Bill? Would not the result be the same in Ireland as it had been in England, or worse? Would not persons of the same class and feelings as those composing the Town-councils be elected universally? The administration of justice and of municipal affairs altogether would be confined to a party of inflammatory demagogues; and in his calm and deliberate opinion, justice would be poisoned at its source, and corporate property devoted to any but its legitimate purposes. He was not speaking without authority, for he was borne out by what had been going on in Ireland for years past. Nay, more, he would appeal to the testimony of an individual, whose end and aim was the subversion of Protestantism in Ireland, of him who was the director and controller of all the actions of his Majesty's Government, and at whose nod that Government was fated to stand or fall. And what said the individual to whom he alluded, with reference to the English Corporation Bill? He said to the people, "You have got an instalment, a great instalment, towards the accomplishment of your objects; and you have established schools for political agitation." But, continued the noble and learned Lord, having thus far discussed the objects of the Bill before the House, it now remained for him to allude to its provisions. The noble Viscount opposite, had denied some portion of that which had been stated in another place, for he said the application of the same principle to Ireland as to England must depend considerably upon circumstances. He agreed with the noble Viscount in that respect, and the more so, because he considered the state of religious differences to be such, that it would be in the highest degree dangerous to apply the measure of England to the sister country in the same form. The noble Viscount had told them in what respects the present measure differed from the English Bill of last Session, but he had not done so very fully or satisfactorily. First, as to the qualification of persons eligible for the Town-council. Their Lordships had not been told why in so few months' time such a change had taken place upon this subject. In the English Bill there had been no qualification beyond the necessity of the payment of rates for two years, and for any part of the third year extending to the period of election. Their Lordships well knew of what class of persons these Town-councils would be formed; they would not be confined to occupiers of land, or to people of any property, but men of the very lowest stamp would be admitted into them. All who occupied tenements of *5l.* a-year would be imposed upon the towns whose property they would be presumed to represent. But there was another thing the noble Viscount had omitted to mention—viz., the difference as to the persons who were to make out the lists of those entitled to vote. Those lists could not be done by the overseers, for in Ireland there were none; the churchwardens had, therefore, been selected, and yet, in some instances, (and no reason had been shown for such a case) even the town-clerks had been named as the fittest persons for that important office. Why, the town-clerk was the very creature of the Town-council; he held his office under them, was entirely dependent upon them for his place and in every respect, both religious and civil, was their creature and slave. This departure from the principle of the English Bill was not casual, nor in fact were any of the differences between the two measures. But there was another point he wished to allude to. In the English Bill their Lordships had carefully provided for the divisions of the corporate towns into wards, having succeeded in spite of the opposition of the noble Viscount, in carrying that essential point. Now, the noble Lord had passed such provision over in the measure he had brought forward for Ireland. That measure was only to provide for divisions into wards in case a Bill for that purpose should pass the Legislature during the present Session. Such a case, he need not add, depended entirely upon the permission of the great agitator himself. Upon this point, then, and on many others he could name, party purposes had been the reasons for the difference between the measures. There was another question worth mentioning which related to the Bill before their Lordships. That Bill, as it originally stood, contained a provision, giving to the Town-councils control over every society existing in the towns. That part of the Bill had disappeared, and no reason had been given for such disappearance. Again, as to the appointment of Sheriffs, that was, by the original Bill, to be in the hands of the Town-councils, as in England; but now, forsooth, such a course was considered likely to lead to wrong, because, with reference to other parts of their duties, it would contribute to party purposes, and that part of the Bill had been altered. It was thus, then, at once admitted that the situation of England and Ireland was so essentially different that the Irish could not with safety be intrusted with the same power that could be placed in the hands of Englishmen. The appointment of the police, too, in England was vested in the Corporations; so was it originally in the provisions of the Irish Bill. But such a provision was absurd, at the moment when a Bill was passing the other House vesting the power of the constabulary force in the Government. The watchmen, also, by the present measure, were not confined to the towns, nor, in some instances, even to the county, but extended to others. Why did he allude to all these points? To satisfy the House that Ministers were either staggered at their own measure, or they did not absolutely know the exact nature of the Bill they had concocted. The same arguments might be used against all those who had supported the measure. All they wanted was the establishment of Town-councils, which would inevitably settle down into sects of agitation for their own and party purposes. Their chief object was, either secretly or openly, the suppression of the Protestant Church. Their Lordships must either stand up for a great alteration, therefore, of the measure now submitted to them, or be prepared to give full scope and authority to a scheme containing the dangerous provisions he had pressed upon their notice. The Corporations to be established by it were invested with no useful functions whatever. They were to be stripped of the administration of justice. With neither criminal nor civil justice would they have anything to do; both were vested in the Crown; with the police they would have nothing to do, for that was under the control of the Lord-Lieutenant. The Sheriffs were also to be independent of the Corporations; the charitable trusts were to be free from their interference; and with reference to the seaport towns, the chambers of commerce were to be free from their control. There was in Ireland a statute, the 9 George 4th, which deprived the Irish Corporations of all the powers and duties for which Corporations were originally instituted. All, then, which they would have would be subordinate duties, and they would have no object but the formation of legal assemblies for political discussion and Radical agitation. He would now come to the consideration of the course he and others with him intended to pursue with reference to this Bill. He was no advocate for exclusive Corporations; such bodies could not fail to operate injuriously upon the ends of justice, and could not be defended on party principles. Neither did he defend the existing Corporations of Ireland. Many wise and unprejudiced men, of both Protestant and Catholic persuasions, had expressed their conviction of the necessity of some remedy being applied to the existing abuses in them. No one could be found to stand up for them as at present constituted. It was, as the noble Viscount had truly stated, universally agreed upon that they must be altered. In their Lordships' address to the King they had stated their readiness, if there were abuses, to remedy those abuses; and if they were not bound by that pledge, they were at least bound by duty to see in what shape and form the remedy required could be applied. He could not, then, so far oppose the noble Viscount opposite as to say this Bill should not be read a second time, nor go to a division. He felt he was bound by what he said; he felt, too, that he differed from some of his friends, for whom he entertained the profoundest regard—men of great judgment, unsullied character, and sound constitutional learning. He had listened to their arguments, and was bound to explain the reasons for his differing from them upon this great question. If no alternative existed but that of passing the noble Viscount's Bill, or of retaining the present Corporations, he could not for a moment hesitate to say he would prefer retaining those Corporations as they were. He considered the evils consequent upon the adoption of the Bill of the noble Lord would be far greater than those, great as they were, which existed under the present system. What, then, was the course he intended to pursue? He saw that, by the first clause of the present Bill, all Corporations were at once to be abolished throughout the whole kingdom of Ireland; and, coupling that clause with other provisions of the measure, he challenged any lawyer, however learned or acute, to put his finger on a single charter and say that it was confirmed in an existence. The object of the present Bill was to annihilate completely the existing charters. The question, and the only question, which remained for consideration was, what should be substituted in their place? Should their Lordships substitute the plan proposed by the noble Viscount opposite, or should they pursue a different course, and provide for the few duties which were, according to the present Bill, to be imposed on the new Corporations, by other means than those recommended by the Government? He knew that they (the Opposition) would be charged with annihilating and destroying the Irish Corporations, and with acting contrary to the principles which they professed. It was not they, but his Majesty's Government, which destroyed the Irish Corporations. And, he repeated, the only question now was, what should be substituted? First, let the House consider what was said by those Corporations themselves; and let it be recollected that a Corporation always possessed the power of surrendering its charter. Now, all the petitions that had been presented from these Corporations deprecate the measure of the noble Viscount opposite. Two months had elapsed since the scheme of the right hon. Baronet (Sir Robert Peel) was announced, and not a single Corporation had presented a petition against it. The noble Viscount opposite had, it was true, presented a petition from a town in Scotland, the town of Ayr, and another from Kingston-upon-Hull; but the noble Viscount had not been able to obtain a petition from any Corporation in Ireland against the scheme proposed by the right hon. Baronet in the other House of Parliament. He believed—indeed he might say that he knew—that the feeling throughout the Corporations of Ireland was, that though they were not anxious to retain the present form of municipal society, and were not unwilling to part with it entirely, yet they deprecated the substitution of the scheme of the noble Viscount opposite, which would inevitably be productive of agitation, violence, and misery of the worst description in every town and district of Ireland. He probably might be asked, by what details he proposed to carry into effect the object he had in view; and he would, therefore, state enough to satisfy their Lordships, that it might easily be attained,—pledging himself to prepare all that might be necessary for the purpose, should their Lordships see cause to take the same view of the question as he did. The rights of freemen—their pecuniary rights, and the franchise they enjoyed, with reference to the election of Members of Parliament, would be provided for as in the Bill of the noble Viscount. The administration of justice in criminal and civil courts would equally be provided for. Provision would also be made for the appointment of Sheriffs, for the administration of charitable trusts, and for the performance of all the other duties incident to Corporations, in the same manner as in the Bill of the noble Viscount. The superintendence of harbours, the regulations of chambers of commerce, and all similar objects would be provided for exactly in the same manner as in the Bill now before the House. With respect to the police within the incorporated towns, that was either provided for at present by local Acts, or by that Act to which he had before referred—the 9th of George 4th. It was unnecessary, then, for any of these objects, to have Corporations in Ireland, for the Bill now under consideration made provision for nearly all of them, independent of any interference on the part of the new Municipal bodies which it was proposed to construct. There was one question which he knew he should be asked, and it was the only question that remained for him to call their Lordships' attention to—he meant the question of the disposal of the corporate funds. What was to be done with the property of the Corporations? Why, that was taken away by the Bill of the noble Viscount. The moment they annihilated a Corporation they stripped it of its property. But the noble Viscount and the supporters of the present Bill said, (and with some truth, perhaps, though not with perfect accuracy) that property vested in a Corporation was in general vested for public purposes, and that the Corporators were trustees. For the purpose of argument he assented to that proposition. The corporators, then, were trustees for charitable purposes, and they were also trustees for the benefit of the Corporation, the town, or the inhabitants of the town. The Government had provided for the purposes of that trust, with reference to the charitable funds. What, then, was to be done with respect to the other property? That property was still to be administered as a trust, and what signified it whether the trustees were new corporators, or individuals appointed like the trustees for the charitable funds. Nothing more was necessary, then, than to have Commissioners appointed by the Lord-Lieutenant of Ireland, for the purpose of administering those funds intended for the general benefit of the inhabitants of the towns. He would state to their Lordships the amount of the property possessed by Corporations in Ireland, of which formerly, a very exaggerated notion used to be entertained. By the Report of the Commissioners of Inquiry on Irish Corporations, it appeared that, excepting Dublin, the funds of those Corporations did not much exceed 33,000*l.* a-year. But their Lordships should bear in mind, that it was proposed by the present Bill (and he believed that there existed no difference of opinion on the subject) to put an end to all public tolls, vested in the Corporations. They were considered a great public inconvenience and nuisance, and it was proposed that they should be abolished. The consequence of this proceeding would be, that the small amount of property at present possessed by the Corporations would be greatly reduced. That property would still further be reduced by the operation of another provision, which had been recommended, and, he believed, universally assented to. He alluded to the application of the remaining portion of the funds in the hands of the Corporations, to the purchase and extinction of those tolls which were vested in private individuals. After all this was done, a very small balance would remain to be administered for the public benefit. Under these circumstances, he asked the House to consider the plan which he proposed, and to compare it with the plan proposed by the noble Viscount opposite. Every object mentioned in the Bill would be, according to his (Lord Lyndhurst's) plan, provided for as fully, as entirely, and, in many instances, in the same manner, but, at all events, as satisfactorily, as by the measure of the Government. And by adopting the plan he recommended, their Lordships would reap this advantage—that they would get rid of that intolerable evil and nuisance, to which he had before referred—the establishment of schools for teaching the science of political agitation. They would also get rid of the nuisance and the evil of annual elections in Ireland, which could be carried on with the same excited spirit, the same hostility, and with the same bitterness and irritability, as now marked the elections in that country. He asked their Lordships to choose between the two schemes; and if they considered them with reference to the state of Ireland, calmly, dispassionately, and deliberately, they would not hesitate, he was sure, as to the one which they ought to adopt. He begged their Lordships' pardon for detaining them so long. His object had been to state, as clearly and as shortly as the nature of the case admitted, the course which he recommended should be taken. This he owed to the noble Lords on his side of the House, and, in candour and fairness, to his Majesty's Ministers themselves. Never was a question of greater importance agitated within the walls of Parliament; never was there a crisis pregnant with more important consequences than the present. Whatever course their Lordships might pursue with respect to the present measure, the consequence might be serious; but it appeared to him, that less danger was to be apprehended from the scheme which he recommended than from that proposed by the Government. But was it quite certain that the noble Viscount opposite would, whatever appearance he might put on, be hostile to the measure which he (Lord Lyndhurst) recommended? Had not that noble Viscount and his Friends, Members of the Government, fears that if the present measure should be carried into law, the strength of their Radical supporters in Ireland would be increased to such an extent, as to be productive of great personal inconvenience to themselves? He believed that they did entertain such an apprehension, and he could not help thinking that he was doing their work in proposing a measure which, when carried, they would approve of and applaud; for instead of strengthening in Ireland that class of their supporters to which he had referred, the direct tendency of it would be to strengthen the hands of his Majesty's Government. It was no objection in his eyes that his scheme would have this effect, for in Ireland the hands of the Government required to be strengthened. What was wanted in Ireland was tranquillity and obedience to the law. The rich soil of Ireland, its advantageous positions, and the other favourable circumstances attendant on it, would, if an opportunity were given for the development of its resources, make that country great, prosperous, and powerful. What was it that prevented this result? The tumult, the discord, the agitation and perpetual hostility existing in the country, which rendered life and property unsafe; and it was because the measure proposed by the noble Viscount opposite had a tendency to increase and embitter the evils of Ireland, not in a moderate degree, but to a very alarming extent, that he regarded it with dread. He was quite certain that if their Lordshi s passed the Bill as it stood at present, they would soon see, in all parts of Ireland, schools, not merely of agitation, but of sedition, which would endanger the unity of the empire, shaking it to its very centre, and the result would be, either a dissolution of the parts of which it is composed, or that dreadful alternative—civil war—the consequences of which no man could foresee. It was for their Lordships to save the kingdom from such great calamities.

The Marquess of *Lansdowne*, without suffering himself to be led by the noble and learned Lord into a premature discussion of the details of the Bill, would advert only to one of the observations which he had made with reference to them, before he proceeded to the far higher consideration of the grounds on which the noble and learned Lord thought the general question ought to be discussed. The noble and learned Lord had dwelt upon the omission in the Bill, beyond a mere reference in a single clause, of any provision for warding, or dividing into wards, the Corporations which it proposed to reconstruct. The noble and learned Lord need not suspect that it was the intention of his Majesty's Ministers to entrap the House into passing that Bill without making any provision for the system of wards, to which he attached so much importance; because the fact was, that preparations had been, and were in the course of being, made during a considerable portion of last year, for that purpose; and that it was solely owing to the delay attendant upon all works of great detail, that the present measure had not been accompanied by another for the division into wards, on the same principle as that which accompanied the former Bill. So much on the details of the Bill. He would not occupy their Lordships' time further in considering the different clauses of which it was composed, for all the circumstances connected with the measure were lost in the one great and portentous consideration of the principle announced by the noble and learned Lord, which, disguised as it might be by his eloquence, set off by the clearness of his speaking, and cloaked by his ingenuity and artifice, amounted, nevertheless, to the distinct declaration that one of the great constitutional principles attaching to the Government of this country, recognised at all times—recognised as to England, recognised as to Scotland, in the reigns of the Plantagenets, the Tudors, and the Stuarts, before the Reformation and after the Reformation—should be solemnly declared by that House inapplicable to the people of Ireland, and one, of which, in policy and justice, they ought to be deprived. The noble and learned Lord, with a sort of ingenuity which he could not but think unworthy of his great talents, was pleased to say, that Ministers, by the very first clause in the Bill, destroyed all the charters at once, and to assume, that finding them all destroyed, he had only to build up a new system to administer the functions of which they had been deprived. Why, was the noble and learned Lord prepared to contend, that the abominable vices of the Irish Corporations, as they were detailed in the Report on the table, were within the scope and intention of their original charters? And was the noble Lord prepared to contend that to make these constituencies open, to make the officers responsible, to admit individuals to that justice of which they had been so long refused, was not a renovation, but a destruction of those charters? This was a renovation of the system—a renovation which the clauses of the Act the noble and learned Lord proposed to sweep away intended to effect, but his system and his subsequent clauses were intended to destroy it, and to destroy it for ever. He called upon the noble and learned Lord to rise again in his place, and to point out one charter which established the exclusive principle the Corporations had adopted, and of which the people of Ireland justly complained. He called upon the noble and learned Lord to point out any one of the forty charters issued by James 1st which authorised such restrictions. They had been by abuse engrafted on those charters, and that abuse their Lordships were called upon to perform the glorious and noble work of removing. The noble and learned Lord, with his usual skill, had steered clear of this point altogether. He (the Marquess of Lansdowne) knew that it had been propounded elsewhere, and propounded out of that House, that it was the real object of those charters to create exclusive bodies, and to exclude certain classes of his Majesty's subjects from that share in the local administration which, notwithstanding what had fallen from the noble and learned Lord, he would still designate as most important to them. The noble and learned Lord, in the early part of his speech, found fault with the statement of his noble Friend near him (Viscount Melbourne), and said that, although he had generally described the serious evils which had prevailed under the existing system, he had not particularised them. The noble and learned Lord had asked what was the cause of those evils. He would answer him distinctly. It was the existence of irresponsible and self-elected corporations; and, when the noble and learned Lord asked whether they sought to remedy the evil, he replied that they did, because they proposed to substitute for irresponsible bodies responsible bodies, and for self-elected bodies, bodies elected by persons whose interest it was to choose the persons best calculated to promote the interests of those for whose benefit the corporate functions over which they presided were exercised.

Lord *Lyndhurst* begged to interrupt the noble Marquess for one moment. His argument was, that the noble Viscount had stated the evils of the existing system, but had not adverted to the evil consequences which were likely to result from his proposed remedy.

The Marquess of *Lansdowne:* if the noble and learned Lord had done him the honour to wait until the very next sentence, he would have found that he was proceeding to the other point of his argument. He did not complain of these little interlocutory speeches, or of this mode of throwing in a short address to the House. He might have hoped that he had not dwelt so long upon his first point as to induce the noble and learned Lord to despair of his ever coming to his second. Well; the noble Viscount wished to be informed, in the first place, of the cause of the existing evils. That he had stated to the noble and learned Lord distinctly. The noble and learned Lord then inquired what it was that his Majesty's Ministers proposed as a substitute; and he made the inquiry for the purpose of showing that the same or greater evils would be occasioned by the proposed measure than by the system it proposed to abolish. Now this was precisely what he (the Marquess of Lansdowne) altogether denied; and he did so upon the plain and clear ground that what they proposed to substitute was manifestly distinct, opposed to, and different from, what they proposed to remove. The noble and learned Lord was not the only person who had adopted the uncandid line of argument that Ministers were very eager for the alteration because they were anxious to change a particular set of persons for some party views of their own. The noble and learned Lord had spoken of the evils which he apprehended from the Bill, with a considerable degree of soreness, which appeared to be occasioned by the result of the municipal elections in England. The noble and learned Lord had taken great pains to improve the English Bill, and the present measure had been framed with reference to that Bill as improved by the noble and learned Lord; it contained a very large family of clauses, and if the noble and learned Lord took the trouble to look at them, he thought he would find that a great many of them had been begotten by himself. The noble and learned Lord appeared to feel a little sore that his alterations in the other Bill had failed in their object; and he seemed very desirous that his present amendments should not meet with the same unfortunate result. The noble and learned Lord had dwelt at some length upon the nature of the change to be effected in these Corporations; but although the noble Baron blamed his noble Friend for not explaining its advantages, the noble and learned Lord had equally abstained from stating its disadvantages. The disadvantages to which the noble and learned Lord had alluded were mere phantoms, which appeared in dim and shadowy outline in the distance, shrunk from the touch, and vanished when they were approached—phantoms which had been conjured up when the Parliamentary Reform Bill was under discussion, and on all occasions when apprehensions were to be awakened in the bosoms of noble Lords, but which were always equally shadowy and unsubstantial. The noble and learned Lord's dreadful alarm appeared to amount at last to this—that the Corporations would become schools of political agitation. In the latter part of his speech, however, the noble and learned Lord had replied to a good deal of what he advanced at its commencement, inasmuch as he first dwelt on the prodigious evils of the Corporations, and then proceeded to show that they were so entirely stripped of all their powers, as to be scarcely worth preserving at all. Now there was a very clear and intelligible distinction upon this point, on which he mainly relied, in justifying the provisions of the Bill. It was, that the powers necessary for the administration of justice which he would contend was upon all occasions more safely, more properly, and, he would even add, more constitutionally, vested in the Crown, were reserved to the Crown; but that all the powers which it was more convenient, more fitting, and more conducive to the public interest to confer on local bodies, were vested in them. These were powers connected with the administration of affairs, mixed up with their daily habits and lives, of which they were far better judges than even the Crown itself could possibly be; and these powers were reserved for local bodies to administer for the benefit of the persons over whose interests they presided. These bodies were retained for the purpose of administering local funds, and protecting local interests, and it was to the habitual exercise of their own authority in the administration of those funds that he looked, not for schools of agitation, but for schools that should prevent agitation, in the which, let him tell the noble and learned Lord, the experience of all countries had shown agitation could be alone kept down—namely, by giving the people wherewithal to exercise their judgment and intellect upon, by enabling them to enjoy all that they were by law entitled to enjoy, and by placing them in the situation in which the Constitution, not only of this country, but of every other civilized country in the world, placed its subjects. The experience of history, and experience of the most recent date, had sufficiently shown, that every country advanced in civilization by the very means which the noble and learned Lord considered most incompatible with it. A recent traveller in Europe and America would inform the noble and learned Lord that the existence of corporate bodies constituted the safety of a country against that democratic influence which he so much dreaded. He did not know whether the noble and learned Lord had read, but he knew that many Members of that House had read, with the attention it deserved, a most remarkable work on the Constitution and character of a country he had ever met with—he meant M. Tocqueville's book on democracy in America. That gentleman went to America with somewhat aristocratic notions, being himself of an aristocratic family, and returning with a strong persuasion of the evils of a democratic form of government, and the consequences to which the ascendancy of democracy might lead, and who yet found a corrective of these evils in—what? In the existence of municipal institutions. He said, that strong as the principle of democracy was in America, much as it was exercised, and capable as it was of leading to excesses, there was that in America which would correct those excesses from time to time—a system of municipal institutions, which gave room to every active mind for the exercise of its powers, which gave him a local interest, distinct from the general interests of the State, which prevented him from concerning himself too much with public affairs, and which, he conceived, supposing evils to arise, would moderate, if not entirely check and impede, their progress. Experience upon experience, and all the wisest historians who had written on Europe, had connected the progress of civilization with the discharge of those very functions which it seemed the noble and learned Lord's first wish utterly to subvert and destroy; and to destroy, too, for the purpose of preventing agitation. My Lords (continued the noble Marquess) I was astonished to hear with what perseverance the noble and learned Lord dwelt on this solitary point; for he ventured upon no other. It is astonishing the use that is made of Mr. O'Connell. [*Loud Cheers from the Ministerial Benches, answered by ironical cheers from the Opposition.*] It is astonishing this universal admission of servitude to Mr. O'Connell. It is really gratifying to hear the noble Lords opposite admit that it is to him they are indebted for all their arguments. [*Loud cries of "Hear!"*] Noble Lords cry "Hear, hear!" at this moment they admit the fact that Mr. O'Connell furnishes them with all their arguments, they refer everything to him, and judge of a measure being good or bad by his having supported or opposed it. Wise, just, and magnanimous principle. I wish the noble Lords joy of the new principle they introduce into the legislation of this House, and congratulate them on the wisdom of letting it go forth to the public. I am happy that they have had this opportunity of expressing their sentiments, and of interpreting much better than I could have done the conclusion at which I was about to arrive. The noble and learned Lord finds what Mr. O'Connell has somewhere said, that these Corporations will become schools of agitation—whether general or local, by-the-bye, does not appear—and for that reason he opposes the Bill. But do noble Lords remember, when they talk of these municipal boroughs becoming schools of agitation, that there are means of agitation without them. Do they really believe in that soft state of Arcadian tranquillity of which the noble and learned Lord is so fond; and can they suppose that this beautiful condition of happiness and peace will result from his measure? Does the noble and learned Lord remember, that if this Bill be not passed, the persons who would have composed these Municipal bodies will continue to exist in a country in which public meetings are free, and where they will continue to have the right—unimpaired and unchecked by any obstacle from the Crown, the noble and learned Lord or the majority of that House—to meet and publish, speak and debate. Does the noble and learned Lord really believe, that seeing these local funds and powers vested in the Crown, when they have been hitherto administered by local bodies, will so gratify these people, that there will be no agitation in those places where they are robbed and defrauded of the authority which naturally belongs to them? I own, my Lords, that I can anticipate no such result. So far from thinking (the noble Marquess continued) that the constitution of the proposed municipal bodies would establish schools of agitation, it was his firm conviction that it was the old system of exclusive corporations that had raised schools for agitation in every town of Ireland. He believed it was in the foul and heated atmosphere engendered on the outside of their closed doors, that a great portion of the agitation, the discontent, the sedition—if noble Lords would—had been created, which had gone nigh to utterly degrade the condition of a part of unfortunate Ireland; unfortunate, because unfortunately governed. This was the history of the agitation that had prevailed, and which he earnestly and sincerely hoped to see extinguished; not violently, and at once, but by slow and sure degrees. In doing this they were not having recourse to any new system; they were endeavouring to renovate that which it was the intention of the charters to establish. He could quote word by word from many charters to show that the object of them was to admit the commonalties of the towns in Ireland to a participation in the municipal privileges. Many of those charters actually showed that it was the intention of their authors that those municipal privileges should be enlarged and extended as the number of the inhabitants became greater and greater, as it was perceived that they would. The noble and learned Lord had dwelt upon that difference of religious opinions which unhappily prevailed in Ireland, but he did not conceive that it was by perpetuating the exclusion of any sect from the enjoyment of municipal rights that that difference could be abated, or abridged in its evil consequences. On the contrary, he thought it was by the admission of persons of dissimilar creeds, but of the same station in life, to act together in the administration of the same authority, and in the performance of the same duties, that that difference could best be abated, and the feelings of all amalgamated in the promotion of one general interest and object. Such had been the view of all the wisest and ablest statesmen, and such, too, had been the principle of all the great and important measures of the British Legislature with regard to Ireland for many years past. He really was surprised to hear the formidable and portentous latitude and extent of argument which the noble and learned Lord had permitted himself to use upon this subject. For he would ask their Lordships, was there one argument which the noble and learned Lord had used as to the possible influence of the priesthood, and as to the possible influence of demagogues, and as to the possible ascendancy of a majority over a minority, as it applied to the comparatively subordinate question of municipal government, which did not apply much more strongly to the question of Parliamentary Representation, to the Union with Ireland, to the Catholic question, and to any of those questions, on one or the other side of which the noble and learned Lord had at different times voted in this and the other House of Parliament? The noble and learned Lord must recollect that the Catholic question was one which was brought forward and justified only upon the assumed principle that it was imparting equal rights to the Roman Catholics, by inviting them to exercise their political privileges, by calling them together, and bringing them to one system of action upon constitutional principles, that the religious difference existing between them and their Protestant fellow-citizens were to be abandoned, and the evil principle of Catholicism (using that word in the sense in which religious differences and religious acrimony implied it, though the evil was not confined to Catholicism) abated and allayed. If the noble and learned Lord, and the other noble Lords on the opposite benches, were at this hour, of opinion that it was by excluding the Roman Catholics from the enjoyment of their political privileges, and from a participation in civil rights, that those differences and evils were to be abated, and that it was by those means alone that Ireland could be rendered tranquil, then he would say, that those noble Lords had deeply erred in the policy they had themselves pursued, and had placed this country in its present relative situation with regard to Ireland, which made it impossible to stop the progress of further measures. For if their Lordships thought it wise to give to the Roman Catholics of Ireland the most important of all political privileges—that of representing others, and of being themselves represented in Parliament, it was most unwise and unsafe to exclude them from administering their own concerns, and of taking a part in those constituent bodies of which they were Members. It was contrary to the policy of former Parliaments—it was contrary to the intentions of those great men who had taken part in promulgating those laws which Parliament had at different times been induced to enact—above all, it was contrary to the policy of the Union which Mr. Pitt, using the language of that poet whose genius was most consonant to his own eloquence, exclaimed in the House of Commons, at the end of the speech in which he proposed the Union—

> " Non ego nec Teucris Italos parere jubebo,
> Nec nova regna peto ; paribus se legibus ambæ
> Invictæ gentes æterna in fœdera mittant."

Paribus se legibus! and this (said the noble Marquess) is the parity which the noble and learned Lord wishes to establish. The noble and learned Lord not allowing himself to distinguish between the principle and the details of the measure, nor perceiving that the details of a measure when applied to two different states of society might differ, while the principle remained the same, but endeavouring to pervert the just sentiments of his noble Friend, the noble and learned Lord had ascribed to his noble Friend a declaration he never made—that it was upon a different principle of Government that the municipal affairs of Ireland and of England were to be administered. He was well aware that there existed a necessity for a difference in the details; but that in the great publicly-acknowledged principle that both countries were to be governed by a free constitution, and that, in both countries, authority was to be responsible, and responsible to those for whose benefit it was exercised, he contended that there was a strict parity, and that, upon that parity, this Bill was founded. Their Lordships would find, when they came to look at the details of this Bill, that every means had been used to secure the just administration of those funds, and the just exercise of those powers which were reserved for the use and privilege of these municipal bodies. They would find, instead of that secrecy and mysterious concealment of accounts which had been allowed to subsist in the old Corporations in Ireland, and which made it impossible for Committee after Committee, inquiry after inquiry, and law-suit after law-suit, to detect the mal-administration and abuses of the Corporation of Dublin alone in the course of ten or twenty years, that it was provided by the Bill, that there should be an annual exhibition of accounts laid before the public, before the Lord-lieutenant, and before Parliament. Nor did it stop there; it provided beyond this, that if there should exist an allegation of mal-administration on the part of the officers of the Mayor and common council, a summary remedy should be applied by a court of justice, which should be enjoined immediately to enter into an investigation of such allegation. Every security was taken that could be supposed to be successful for the purpose of insuring a just administration of the corporate funds. It would be time enough then, when those provisions should have failed of their effect, and when the expectations their Lordships were entitled to entertain of a just administration of the municipal affairs, had been disappointed, for their Lordships to adopt the alternative suggested by the noble and learned Lord. But, he must say, that it would be a most hazardous step to take into the hands of the Crown, at one sweep, all the property of Ireland, and to extinguish all corporate government in that country, which their Lordships professed to govern upon the same laws and principles by which they governed England; and upon which he was confident, after the final effect of the existing dissensions had passed away, they might be enabled to govern it. He quite agreed with the noble and learned Lord, that the prosperity of Ireland depended upon the establishment of tranquillity among the people: but he begged to remind the noble and learned Lord, that that tranquillity must be founded upon a conviction in the minds of the people, that they actually received, as they knew they were entitled to receive, all the benefit and protection of English Government and of the British Constitution. These were the grounds upon which this Bill had been proposed to Parliament, and it was upon these grounds that he was prepared to give it his most strenuous support.

The Earl of *Mansfield* said, that he objected equally to the view of his noble and learned Friend, and to the view of his Majesty's Ministers respecting the Bill now under their Lordships' consideration. Nor did he conceive that the Bill could receive sufficient amendment in Committee to induce him to give it his countenance and support! It therefore was his intention to say "not content" to the question for the second reading of the Bill, but at the same time he did not think it necessary to take the ordinary course of proceeding in such matters, by moving that the Bill be read a second time on a more distant day; in a word it was not his intention to give their Lordships the trouble of dividing on the question. He was at all times reluctant to offer himself to the attention of the House. He was always embarrassed when he did so, but that embarrassment was very much increased by the predicament in which he stood at present, differing as he did, not only from his Majesty's Ministers, but also from those noble Lords with whom he generally had acted. Differing, therefore, from a great majority of the House, he hoped he should not be considered as presumptuous or as possessing overbearing confidence, if he addressed a few observations on this important subject to an audience which he knew to be indulgent, though its patience might be put to a trial, inasmuch as he had its prejudices to overcome. He did so from a sense of duty, thinking that as a Member of this House he was bound to act on all occasions according to the best of his judgment, and bound if he could, to explain to their Lordships his reasons for every vote he gave on measures of importance. He should, therefore, state the reasons upon which he grounded his opinions respecting this Bill—he should put those opinions in contrast with those of his noble Friends near him, but in so doing, far be it from him to cast the least reflection on the motives which induced them to adopt their line of conduct on this occasion; for he believed, nay, he would confidently assert, that their motives were not those of serving for a political purpose. They possessed none of that rashness or inconsiderateness which had been imputed to them in the course of the present debate, but their sole consideration was the interests of those persons most materially affected by this Bill, and of the general interests of the country. He objected in the first place to the principle of this Bill—its principle pervaded most of the measures which had been brought forward by his Majesty's present advisers, and all those who had been Members of the Cabinet in 1830; that was, a principle assuming the existence of evils and abuses, and of applying to those assumed evils and abuses that which was to be taken to be the best remedy, without dispute, and without the least attention or respect to the rights of public bodies, or of the rights of individuals founded upon charters. It was not fifty years ago since a member of a learned profession, a law officer of the Crown, described in his place, in the other House of Parliament, a charter to be "a piece of parchment with a seal at the corner." This description was but ill-received by a great portion of the House, and was eventually rather prejudicial to the Ministry with which that learned Member was connected. How it would be received in that quarter at present he (the Earl of Mansfield) would not undertake to guess, but he could not help fearing that, notwithstanding all the improvements which had been introduced by his noble and learned Friends into the Municipal Bill of last year—notwithstanding their Lordships had allowed persons interested in the measure to appear at the bar in vindication of their characters and their rights, (an opportunity which could not have been refused without injustice to the parties and discredit to their Lordships)—notwithstanding all this, he could not help fearing that on reflection it would be found that the Legislature had not always paid that respect to charters to which they were justly entitled. The first instance of this principle to which he objected was to be found in the Reform Bill, and by none was it more deplored than by his noble Friend near him, and yet he feared they were, by their proposed amendment, following that example, and saying "you may destroy the fabric which proves insufficient for the purposes for which it was intended," but for the preservation of which he would contend the Legislature had no right to destroy even with the intention or in the well grounded hope of effecting an improved reconstruction, without appealing to those persons most interested, whose rights were founded upon charters, with whose property this measure would interfere, property connected with a trust which they were assumed to have misused, from the guardianship of which they were to be removed without any delinquency having been proved against them—without evidence of the fact, and without giving them an opportunity of rebutting such evidence as had been brought forward. This was a principle which he held to be unjust. This was no new sentiment that he was urging against that principle, for he had advocated those sentiments on several occasions. His noble Friends near him, however, admitted the principle of the Bill, but they objected to the proposition in detail of his Majesty's Ministers, and taking a bolder tone, say, "destroy the existing Corporations at once, and we will give you a better plan in substitution." He would not at present enter into a comparison of the two plans, but even for the moment assuming that of his noble and learned Friend on the lower benches (Lord Lyndhurst) to be the best, he must say, that their Lordships were not in a situation even to adopt that plan without further evidence as to some of the facts in which these corporate bodies were interested. The state of the existing corporate bodies to be affected by this Bill was represented in the report of the Commissioners, and though he would not say that the Report manifested any bias in the minds of the Commissioners calculated to prevent their acting impartially, still he could not forget that the evidence taken at the bar last year did not serve to prove that the English Commissioners had the same character for impartiality. But this Report, like its English predecessor, stated instances of maladministration by public bodies, and cast imputations also upon individuals, and yet no opportunity was to be afforded them of giving (as in most cases they could) a complete refutation to those statements. Their Lordships ought not to proceed to legislate on no better evidence than was contained in this Report. He might appear certainly to hold very lofty ideas of charters, and to speak of them as of absolute property. He had never held them to be other than a trust, but he could not think (and indeed experience supported his view) that there existed such a great distinction between corporate property and that of an individual as could make the one safe while the other was in danger. He would not himself presume to offer a legal opinion on the subject of charters, but on the authority of a noble and learned Lord of the highest legal character, not now present in consequence of illness, and without saying what might be the value of a charter, he must state that it would be impossible to say, that much of the property of England rested on a much surer foundation than the charter property of Corporations. This Bill proceeded by its preamble to state the expediency of the alteration proposed; and here he could not help remarking the difference between the Bill of last year and the Bill of this year now under consideration. The Bill of last year in its preamble (of which he however had not a very distinct recollection) stated, that by reason of various abuses, by lapse of time and other causes, the Corporations of Ireland had become inefficient for the purposes of good local government, whereas the present Bill went wholly and entirely on the ground of expediency. Now, it had been said that there had been no petitions presented against this Bill. He, however, remembered at least one from an individual praying to be heard by counsel against it. The absence of petitions was certainly a remarkable fact, but he could not take it as a declaration of assent, or of indifference; he would rather interpret the absence of petitions in this way—that knowing their Lordships were the guardians of the rights and interests of the community, the people felt that those rights and interests were safe under their Lordships' protection, and that it will not be until some further steps have been taken in this measure that their alarm or confidence will be increased and expressed. Their Lordships being, as he had said, the guardians of those rights, it was the more particularly incumbent on them, invested as they were with legislative functions, to proceed with caution. In these times of rapidity in legislation, when acceleration to the utmost could scarcely keep up with reform, he would much rather be charged with tardiness than with injustice. These were his general views on this measure, and he entertained other objections, so strong and forcible, as to prevent him giving this Bill any further consideration with a view to its enactment. Fortunately for their Lordships and for himself, the description of the inconsistencies and absurdities of this Bill had been pointed out by a learned individual (Lord Lyndhurst) most capable of exposing them, but he (the Earl of Mansfield) must claim the indulgence of their Lordships while he made a few remarks upon that which he considered to be the most important part of the Bill. The object of this Bill was, as he read it, to transfer the power of the Corporations to the Roman Catholics, and to increase their power in Ireland. That object had, it was true, been denied, but he thought the effect of the Bill had not been denied, but on the contrary, he would say its purposes had been both admitted and defended. He would venture to say, that this Bill, under pretence of improving the Corporations of Ireland, gave a great power to that portion of the Roman Catholic body which ought to be the last intrusted with it—to that portion of the Roman Catholics which he must describe as a faction—not that portion which was constituted of persons of respectability, of character, of education, of property—those who were obedient to the law, desirous of, and intending to maintain, the union between the two countries—but to that lawless uneducated class who were kept in selfish submission to the priests—who unfortunately were the best of political agitators, interfering in every species of election, and carrying that influence, which their religion and the religious prejudices of the country gave them, to extreme ends, and to the extent of seeking a discontinuance of English connexion. No man could doubt, that power given into such hands would be misused—that they to whom the power was given would have but its semblance, would be but the creatures of more formidable authorities, both lay and religious agitators, who combined would be infallible. Reference had been made to the events of the year 1829, and it had been stated that by the Bill of 1829 equality was established between Roman Catholics and Protestants. An equality of civil rights there certainly was established, but he believed the admission of Roman Catholics into Corporations was established by the Act of 1793. Was the Legislature now to go further and say, "because from some cause or other, perhaps from religious prejudices, those corporate bodies have a reluctance to admit Roman Catholics amongst them, we will let in a contrary force"? What would be the effect of this? would it not lead to still greater exclusion?—in short, would it not have the effect of excluding Protestants? It had been asked what was the intention on this occasion of those who had voted for the Catholic question, and had been in the majority on various other Bills relating to Ireland? He (the Earl of Mansfield) was certain (though he unfortunately on this occasion differed from the noble Duke near him, the Duke of Wellington) that he had never, in mind or openly, imputed to his noble Friend a disregard of Protestant interests, or a wish, by that measure, to establish Catholic ascendancy. Neither had he ever imputed such an object to the noble Viscount opposite, or to other noble Lords of his party, for he had no reason to do so; but he thought their position was now changed. At that time the noble Viscount and his party were independent; they were Protestants who had not then detached themselves from the supporters of the Established Church, or from those who thought that tithes ought to be paid to the ministers of the Establishment. At that time the Roman Catholics, or, at least, some of them, had not openly avowed their hatred to that Establishment—had not declared it to be an intolerable nuisance. At that time, the Minister had not proposed the mutilation of the Church, he had not used the imprudent word "extinction" with respect to tithes; a word which had created a sullen hatred to that impost; at that time it had not been designated an ensanguined treasure, neither had it been said to be an intolerable nuisance. At that time the British Minister had not proposed or brought in a Bill containing provisions which the Irish clergy, as trustees for the Church, could not possibly accept; and notwithstanding but reasonable provisions were annexed to it, that Bill was abandoned, and the clergy left to penury and insult. At that time he had not made a league with the hon. Member for Dublin. The noble Viscount disliked the word league; he would instead say, he had not then made an implicit confederation with the hon. Member for Dublin, whose hatred to the Established Church—not to the religion of that Church, but to its continuance as an Establishment—had been openly avowed, and who had said, that he would use his influence with his countrymen, and with persons in this country, to join him in his endeavours for dissolving the Union, unless measures were introduced giving equality of laws to Ireland. Ireland already enjoyed equal protection from the law, and the claim made now was, for Roman Catholic ascendancy—ascendancy never having been claimed by the Protestants, who were the strongest supporters of, though not the sole object entitled to, British protection. These were, then, the grounds upon which he drew a distinction between the circumstances in which both countries were now placed, and those existing when, in 1829, Parliament proceeded to legislate upon the Catholic question. But that very measure of 1819, showed, as it occurred to him, that even then a jealousy was entertained on the subject of equal laws for Ireland. The provisions of that measure showed the jealousy in respect to equal legislation, and the difference that existed between the two countries, and the difference which ought, in legislative measures to be applied to the one and to the other. Without entering into the details of this Bill, he would observe, that he really could not understand the principle on which this Bill was founded. It was in vain to say, if any credit was to be given to the Report of the Commissioners, that it would effect a restoration of ancient usages, for, if he read the Report correctly, the Commissioners, though they manifested a strong wish to make it out, had failed to show that there was an established usage which gave the election of town-councillors to inhabitants as burgesses, or even as householders; therefore, he maintained that this Bill was not a renovation of ancient usages. According to the Report, there were in Ireland about seventy-five boroughs, some of which held charters, and others having had by usage municipal functions. How came it, then, that only fifty-one were mentioned in this Bill? How had the selection been made? Had it been with reference to the amount of property, the extent of population, or the possession of charters? It appeared to him, that some of the boroughs, from the paucity of their population, and the smallness of their property, had no claim whatever to be included in the provisions of this Bill. Of this there was an amusing instance afforded in the case of Belturbet, having a population of 2,026—property none, gaol none, —income 4*l.*; and its debt (for, like its neighbours, it was encumbered) 100*l.* There were others in the same, or a similar, situation or condition. And yet towns of greater extent and magnitude, both in wealth and population were excluded. He had already stated, that out of seventy-five existing boroughs, only fifty-one were named in the schedules of this Bill. He wanted to know what was to become of the remainder? Were they to remain in the continuance of recognized abuses, or, as an hon. Gentleman had appositely said in another place, "Were they to be allowed still to wallow in the abomination?" One word before he concluded, with regard to the plan which his noble and learned Friend proposed to substitute for that of his Majesty's Government. Certainly, if called on at once to decide between this Bill and the plan of his noble and learned Friend, which he believed to possess considerable merit, he could not hesitate in the selection of the latter. It was in conformity with many local acts, under which some of these Corporations were at present regulated, and it might, therefore, be suitable to all with respect to the Corporations themselves, being unfit, as had been urged, for the purposes for which they were designed, the many of the boroughs having been established for the benefit of the Protestant religion, and, therefore, that now there existed no ground for retaining them as exclusive bodies, he could not say, that he took such a view of the subject. It certainly appeared to him, that many of the towns in Ireland would be much better without municipal Corporations, but still he apprehended that many of them had been established, though at different times and under different circumstances, still with a view of maintaining English interests. Look at Dublin, for instance, where the charter was granted to the King's citizens of Bristol resident in Ireland. He must be pardoned when he said that unfortunately Ireland never was conquered, and had, therefore, never undergone those internal changes which had taken place elsewhere. Her community had been varied—consisting of English, of mixed English and Irish, and of the natives under another allegiance. One party had been treated as rebels, and there had never been established any unity of laws and institutions. The boroughs, he contended, had not been, as was alleged, established for the spread of Protestantism, but for the support of English interests. But at that time, certainly, England and Protestantism were synonymous terms. But, notwithstanding all the agitation which prevailed, and still prevails, in Ireland, he would not offer any opposition to the maintenance of those boroughs, provided neither the one party nor the other were excluded on religious grounds. Would the grant of a Corporation, however, benefit these towns? He thought not, and he was fortified in that opinion by the fact, that though the Bill of last year empowered the grant of municipal Corporations to certain towns in England which should solicit it, but few, if any, applications had been made. Even if he could believe that they would confer advantages in Ireland, still he could not consent to legislate in the manner proposed without some evidence of the fact of the approbation and consent of the parties most interested. But how had this measure been got up, and what purpose was it to serve? An hon. Gentleman in another place, who had been often alluded to in this House, and to whom he must advert, even though he should incur the indignation of the noble Viscount, as giving that hon. Gentleman too much importance, was reported to have said, that if their Lordships did not pass this Bill the Union would be but a cobweb, and had addressed in Ireland, and also in this country, language which, though perhaps not deserving much consideration, yet might have some effect upon those who from zeal and prejudice were easily misled, and it was right the people should know, that in all questions this House, uninfluenced by expressions derogatory to its dignity, would deal with measures in a manner dictated by a sense of strict impartiality. He was anxious and ready to acquiesce in any measure that might be conducive to the happiness of Ireland. He wished the connexion between the two countries to be kept up as intimately and closely as possible, that the protection of British laws and the advantages of the British Constitution, which few seemed now to appreciate, might be equally extended to Ireland, but in doing this his only anxiety was, that strict adherence should be had to the rights which individuals now possessed. He might be considered old-fashioned in his views when he said that he feared rapidity of legislation, that he entertained respect for charters, and for the rights of individuals; but he was satisfied that unless those rights were defended, their own would be soon assailed. On these grounds he must for the present hesitate to give his vote for the second reading of this Bill, and he hesitated the more because he was satisfied it could not be so amended in Committee as to alter his opinions as to the effects it would produce.

The Earl of *Falmouth* was anxious that he should not be considered, by his silence, as voting for the second reading of the Bill before the House, as to the principle of which he was not favourable. If he were called upon to make his election between the Bill before the House, and the amendment of the noble and learned Lord, he should not hesitate one moment to prefer the Bill of his noble Friend; but he rejoiced that at this moment he was not placed in that predicament. He felt that as a humble individual Peer of that House, it was his duty to get up in his place and maintain what he believed to be the vital principles of the Constitution. The promoters of the present measure said, that the Bill before the House was not one of abolition; but he must contend that the contrary was the fact, for it went to abolish the existing charters in Ireland, and, therefore, to destroy a valuable part of the Constitution. He was satisfied that no arguments that could be used would remove his objection to the Bill. He regretted very much that the English Municipal Bill, even in the shape in which it had been amended by his noble Friend, had ever been passed, because he was of opinion that it would lead to consequences which even its promoters did not foresee. He rejoiced that he was no party to that measure which was called the Reform Bill; he rejoiced, also, that he was not a party to the Municipal Corporation Robbery Bill; and he rejoiced now in the opportunity of standing up, and protesting against the principle contained in the present measure. He should not trouble the House by going to a division, but should content himself by saying not-content to the question that the Bill be read a second time.

The Earl of *Ripon* would not detain their Lordships by going into any arguments, or general views, as regarded the subject before the House. He begged, however, the permission of their Lordships to say, in as few words as he could, the general grounds on which he conceived that it would be fit for their Lordships to give a second reading to the Bill then under discussion, and to state why he should be hereafter prepared to support the proposition which the noble and learned Lord behind him (Lord Lyndhurst) had intimated that it was his intention to submit. With respect to that amendment, he would now take the opportunity of stating, that when the noble Viscount at the head of his Majesty's Government asserted that the paternity of the measure to be founded on that amendment rested with his (Lord Ripon's) friends in another place, he believed that that noble Viscount never made a greater mistake with respect to the origin of that measure. True it was, that the noble Viscount characterised the political conduct of his noble Friend, and in somewhat a sneering manner, as not being very remarkable for discretion; and that this amendment was quite inconsistent with the habitual conduct of the noble Lord, and the right hon. Baronet who introduced it; and, therefore, that it must be the offspring of some one who was reckless, as to the consequences, what it would produce. He (Lord Ripon) did not know on what part of the conduct of his noble Friend it was that the noble Viscount founded his assumption of indiscretion. He (Lord Ripon) was not aware of what part of the conduct of his noble Friend it was, when they acted with the noble Viscount, that could bear that interpretation, and upon which was founded the assumption that the noble Viscount had put forth. Their separation took place because his noble and right hon. Friend considered that, on principles consistent with their conscience and duty, they could not sanction a measure which was characterised by violence and injustice. It had nothing whatever to do with the principles laid down in the Bill before the House. He should support the amendment of the noble and learned Lord, because it was most desirable that justice should be done to Ireland, without imposing injuries which he thought would operate detrimentally in a ten-fold greater degree. It was because he thought the Bill before the House would produce that effect—that mischief which he contemplated—that he could not, as an honest man, give his consent to it. If he thought that past history proved, and that the present condition of Ireland showed, anything like a proximation in the state of society and of things in Ireland to what was the case in England, then he should be ready to admit, that justice to Ireland required the adoption of similar laws, and the adaptation of similar principles to the two countries, but when he looked to the actual state of things existing in the two countries, he must say, that it appeared to him that the adoption of the present measure was a most visionary proposition. If they looked to the condition of the two countries—if they looked to all the social circumstances attendant upon the condition of England and Ireland,—whether as to the mode, and forms, and practice, of the executive Government,—the mode of administering justice, the mode of reserving the internal tranquillity of the country,—the means of defending it against a foreign enemy,—the mode of returning Members to Parliament,—the means of education,—and, above all, the condition of the poor of that country,—looking to all these things, and these were the circumstances that characterised the social condition of countries,—was there not, he would ask, at this moment, an immense difference between the situation of the two countries? He would ask noble Lords to look to the Report of the Commissioners appointed to inquire into the state and condition of Ireland. These Commissioners came to the conclusion, that there was so material a difference in the state of society in the two countries, that what was most proper for one country, it would be most improper to infuse into the other; and they concluded by stating, that in considering the condition of Ireland circumstances ought to be looked to as well as principles. It was, therefore, admitted, that there was a material difference in the social condition of the two countries, and that the Bill before the House proceeded on that very principle; or else why did it differ in its enactments from the English Bill? By this Bill there was a material difference as regarded the appointment of Sheriffs and Clerks of the Peace. The same power was not given to the Irish Councils as was conferred on corresponding bodies in England, and why? Because distrust was entertained of these constituencies as regarded the impartial administration of justice, the most important consideration as regarded the well-being of a country, and its internal tranquillity and peace. The object which he should have to consider was, whether the Bill before the House was a good Bill; or whether the system proposed to be adopted by the amendment was a better. If it should be proved in argument that this Bill was a good Bill, then it ought undoubtedly to pass; but, on the other hand, should it be made out in argument that it was a bad Bill, and that it would not be productive of justice to Ireland, then undoubtedly it ought not to receive the sanction of their Lordships. In conclusion, he must say, that he could see nothing but a perpetuation of the evils and grievances which afflicted Ireland if the present measure should pass; and it was because he entertained this opinion that he should, when the time came, give his hearty concurrence to the amendment which had been announced by the noble and learned Lord.

The Marquess of *Clanricarde* said, the Bill proposed by the noble Viscount was greatly desired by the Irish. It had been said by a noble Earl that a different principle was adopted in this Bill from that of the English Bill. He denied that proposition. Their Lordships must consider the principle and the details. If the principle were fair and impartial justice, then there might be a difference in the details to make that principle effective. This was the principle proceeded upon in the question of Reform in the Representation of the people in Parliament; when Parliament went upon a broad principle, but varied its application as to the rights of freeholders, and the mode of conducting elections. A great argument used for the abolition of the 40*s*. freeholders in Ireland was, that their existence was hostile to the freedom of election. The British Legislature has never, in the United Parliament, decided that different principles of legislation were to be applied to the two countries. The principle of this Bill was, that the same justice was to be extended to the Irish which has already been conceded to the English. The question was—whether the Irish people were to be intrusted with self-government for local purposes. He could not remain silent when it was declared that the Irish people were unfit to enjoy the blessings of the Constitution. The only ground upon which this Bill could be refused to Ireland was, that those who opposed it considered self-election preferable to popular control. When that proposition was stated he should be prepared to meet it; in the mean time he entered his protest against the assertion—that the people of Ireland were unfit for self-government.

The Earl of *Winchilsea* said, that being strongly impressed with the belief that the Bill, if passed in its present shape, would be productive of the greatest mischief, by destroying the Protestant interest in Ireland, he was anxious to state the grounds on which he should give his vote. The Bill of last year, as well as that of the present, proceeded upon the specious principle of Reform. He was glad that the flimsy garb in which this bantling had been dressed by the noble Viscount, had been shown to be the joint production of the Government and the Catholic agitators of Ireland, not only as regarded its carcase, but every limb and member of it. If their Lordships were prepared to pass the Bill in its present shape, they would place the whole of the political power of Ireland in the hands of Mr. O' Connell and the priests, and the consequence would be, the destruction of the union which existed between the two countries. That was the question which they were called upon to decide, and the proposition, he thought, was a plain and simple one. Their Lordships must recollect that when the Catholic Relief Bill passed, in 1829, there was an end of all the Corporations of Ireland; those Corporations were established for the purpose of upholding Protestant principles, and for the purpose of cementing the connection between the two countries, and he would contend, that those Corporations were virtually at an end the moment that Bill became the law of the land. He, therefore, was of opinion it was unnecessary to uphold them, and therefore he was prepared to support the amendment of the noble and learned Lord. He was bound to entertain the opinion that the great body of the Protestants of Ireland, with the exception of one individual perhaps who had some interest in the question, were in favour of the principle proposed to be adopted by the noble and learned Lord. And why? Because since the period at which a similar amendment had been proposed in another place, not a single petition, with the exception of one or two in favour of the Bill, had been presented against the adoption of that principle. Considering that the Protestants of Ireland, under the pressure of the evils by which they were assailed, were still alive to their own interests, he had a right to assume, from the circumstances he had stated, that they were in favour of the extinction of the Corporations. Noble Lords in that House gave their support to the Catholic Relief Bill, under the vain hope that it would conciliate the Roman Catholics, but since every succeeding concession had been made they had become more dissatisfied, and the consequence had been to lead to acts of further aggression. When that Bill was passed their Lordships were told that the effect would be to give peace to Ireland. [Viscount *Melbourne*: never by me.] Perhaps not by the noble Viscount, but that was the argument used, and he must admit by some of his noble Friends near him, with whom he had the misfortune to differ with respect to the views which they took of that question. And what, he would ask, was the result? Why, from the moment that Bill passed, Ireland became in a more disturbed state than she had been in during the previous ten years. Crimes of every description had increased in a ten-fold degree—there was no security for life or property of the Protestants of that country—all law was set at defiance; and to talk of the existence of equal civil rights in that country was an insult to the Protestant community. He begged it to be understood that these observations did not apply to the Roman Catholics of England; their conduct since the passing of the Relief Bill had been most honourable and they had fully realised the expectations which he had formed of them. He felt bound to say thus much, it being only a meed of praise which he felt bound to afford to this highly honourable body of men. If their Lordships concurred in the measure as it then stood, and thereby gave more power to the agitators of Ireland, he was satisfied that the result would be, that their Lordships would be called upon hereafter to pass coercive measures of a nature which had never yet been submitted to Parliament, and he called upon their Lordships boldly to stand forward and save the Protestants of Ireland from the still further evils with which they were threatened.

The Earl of *Roden* was anxious to say a very few words, in order that there might be no misapprehension as to the vote he should give on that occasion. If he thought the amendment of the noble and learned Lord would not be carried, he (Lord Roden) should be the last person to vote for the second reading of the Bill. It was one which was calculated to produce the greatest mischief in Ireland, and would place more power in the hands of the agitators of that country than they at present possessed. He trusted their Lordships would never consent to give their sanction to a measure, the object of which was to give additional power to the Roman Catholics to persecute and tyrannise over the Protestants of Ireland. When the time came for going into Committee, he should be prepared to state his reasons why he thought it was advisable that the Amendment of the noble and learned Lord should be adopted, rather than that the Corporations of Ireland should continue to exist under the system by which they were at present constituted.

The Bill was read a second time, and ordered to be committed.

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HOUSE OF COMMONS,

Monday, April 18, 1836.

MINUTES.] Bills. Read a first time:—Oyster Fisheries; and Alehouse Licences Act Amendment.

POOR LAWS (IRELAND).] Mr. *Poulett Scrope* wished to put a question to the noble Lord the Secretary for the Home Department, respecting the Report of the Commissioners on the State of the Poor of Ireland. He had himself introduced a Bill for the relief of the poor of Ireland, and whether he should or should not move to-morrow that it be read a second time, would depend upon the answer of the noble Lord. The Report contained the best digested and most important recommendations, and he wished to know whether it was the intention of Ministers to introduce this Session a series of measures founded upon it?

Lord *John Russell* said, that the Report had been under the consideration of Government, and they certainly had found in it a great variety of important matters; at the same time he must add, that the suggestions in it were not of that simple and single nature as to allow them to be adopted without the caution which was recommended by the Commissioners themselves. He would, therefore, at once state it to be the opinion of Government that it was not expedient in the present Session to bring in a series of measures comprising all the objects of the Report. Out of that opinion a second question arose—whether it were advisable, not undertaking the entire subject, to bring in any particular and insulated measure founded on parts of the Report? He apprehended that there might be great difficulty in that course, for a special measure might either invite too much discussion or too peremptorily close it on other parts of the document. He was not, however, prepared to say, that any final decision had yet been adopted, or that there might not be parts of the Report which ought to be taken into consideration with a view to some practical measure in the present Session; but as to a series of measures, he was enabled to inform the hon. Member that it was the opinion of Government that it would not be advisable to undertake them this Session. He could not conclude without adding, that the Report was not only of extreme value, but that the subject of it was of a nature to render it absolutely necessary that some measures should be brought forward and adopted. It would be anxiously considered by Government with a view to such measures, and there were none, as affecting Ireland, either at present or perhaps within the next hundred years, which could possibly be of greater magnitude, and this fact was evident from the statements made by the Commissioners. In proportion as their importance was great, and their consequences infinite, it became Government to be cautious how far they gave any pledge as to the course intended to be pursued.

Mr. *Richards* expressed his concurrence in what had fallen from the noble Lord, and added, that if nothing were done next Session, he would introduce a Bill upon the subject.

Subject dropped.

NEW CORPORATIONS.] Mr. *Mark Phillips* referred to a Report which had obtained circulation, that Ministers intended to extend the benefit of the Corporation Act to certain towns not included in the measure of last Session. It would be a matter of public convenience if the noble Lord would state whether such a report was well founded.

Lord *John Russell* would explain what was the measure under the consideration of Government. It was not a measure for the purpose of obliging towns which at present had not Corporations to accept them, but it had occurred to Ministers to consider whether, with reference to the clause of the Bill of last Session, which enabled towns to have Corporations, it might not be proper to give facilities for making those Corporations which might be granted on application more effectual than they otherwise would be. A measure of that sort was contemplated, and he hoped soon to give notice of the time when it would be brought forward.

REGISTRATION OF VOTERS.] Lord *John Russell* moved the Order of the Day for the House to resolve itself into Committee on the Registration of Voters Bill.

On the question that the Speaker leave the Chair,

Mr. *Thomas Duncombe* rose to move the amendment of which he had given notice. It was far from his intention, he said, to depreciate the measure of Parliamentary Reform, or to detract from the debt of gratitude due to its framers and supporters; but there were few among those framers and supporters who thought that it could all at once attain perfection, or that it would not require change and modification. There was, however, a class of partisans who wished it to be considered a final settlement of the question, but as that notion was inconsistent with reason and common sense, a revision of some parts of the Bill was soon demanded. The question was simply this—whether it had not by this time had a sufficient trial, and whether the proper hour for that revision had not arrived?—whether, in short, it fairly and honestly fulfilled the intentions of its framers? He did not think it would be denied that a fair experiment had been allowed to it; three registrations had occurred, and it was found to work in such a manner, that organised bodies from one end of the kingdom to the other were employed in the business of registration. The right hon. Baronet, the Member for Tamworth, on one occasion had warned his friends that the season of registration was the time when the battle was to be fought, and the hint had been taken both by Whigs and Tories. But all this was not in accordance with the spirit of Reform; and it was important to consider how the Bill could be rendered just in its principle and less vexatious in its operation. If he (Mr. T. Duncombe) were asked the means, he should reply that it might be accomplished by repealing part of the 27th clause, which required that all borough electors must have paid their poor-rates and assessed taxes due on the 5th of April preceding, by the 20th of July. This provision had tended to reduce the constituency of the country to a most alarming and unforeseen extent. He would prove that such was the fact from the speech of the noble Lord (Lord J. Russell), when he introduced the Reform Bill. The noble Lord then said, "I will now state the number of additional persons who will be entitled to votes for counties, towns, and boroughs, under this Bill:—

	Persons.
The number in towns and boroughs in England, already sending Members, will be increased by . . .	110,000
The electors of new towns (in England) sending Members, one each	50,000
Electors in London who will now obtain the right of voting .	95,000
Increase of electors in Scotland	60,000
In Ireland, perhaps . .	40,000
Increase in the counties of England (at least) . . .	100,000

These numbers, at least, will be entitled to vote; and, upon the whole, it is my opinion therefore, that the whole measure will add to the constituency of the Commons House of Parliament about half a million of persons.* Nobody would venture to affirm that the statement of the noble Lord had been verified by the result, and he would take the case of London and its vicinity as an illustration—London, Southwark, and Westminster, on the whole, in point of numbers, remained much as before the passing of the Reform Bill. London had increased, and Southwark had also triflingly increased, but in Westminster there had been a considerable diminution. In the Tower Hamlets, Finsbury, Lambeth, and Greenwich, the number of voters, according to the last registration did not exceed 44,000, so that the total increase instead of being 95,000, as the noble Lord had calculated, was only 44,000. When he asserted that the 27th clause was unconstitutional in principle, and vexatious in operation, he again begged leave to appeal to the speech of the noble Lord, who had maintained in the speech he had already quoted, that in all cases representation ought to precede taxation. The noble Lord then quoted the 25th of Edward 1st, and the 34th of Edward 1st, which provides, he said, that no tax shall be levied without the goodwill and assent of the Archbishops, Bishops, Barons, Knights, and freemen.† The 27th clause, however, completely reversed that order, for it made taxation precede representation: it required not only that a man should be taxed, but that he should absolutely have paid his taxes before he voted. He should like to be informed what possible connection there was between a man's right of voting, and the day and hour of his paying the King's taxes? But other taxes were also included, such as poor-rates, county-rates, and police-rates; and he would ask Ministers whether, when they framed the Reform Bill, they contemplated the payment of county-rates by borough electors before they should be entitled to register? The consequence was, that in many instances voters might be deprived of their franchise by the trickery of tax-collectors. Surely the Chancellor of the Exchequer had quite a sufficient remedy against a debtor of the Crown, without seizing his vote as well as his goods. The vote was not to be given for the private benefit of the elector, but for the advantage of the community. He was no advocate for universal suffrage, nor for the discontinuance of a property qualification; and all he asked for the borough constituency was, that they should be placed on the same footing as the county constituency, and that the rights and privileges proposed to be conferred by the Reform Bill should be enjoyed in their fullest possible extent. He contended that the abrogation of the 27th clause would have that effect. As it stood it might be, and no doubt it had been, a fertile source of corruption, while the repeal of it would also have the effect of simplifying the duties and shortening the labours of the revising barristers. What objection could be made by Ministers to a course so reasonable he did not know, but this he did know, that the first Administration that should have the courage, and the first Parliament that should have the justice, to affirm the principle for which he now contended, would be entitled to the gratitude of every sincere reformer. He moved, that it be an instruction to the Committee to introduce a clause for the repeal of that part of the 27th section of the Reform Act, requiring the payment of poor-rates and assessed taxes as a qualification for voting in boroughs.

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* Hansard, (Third Series,) vol. xi. p. 1083.

† Ibid. p. 1063.

The *Attorney-General* felt bound to oppose the amendment of the hon. Member for Finsbury. He would do so very briefly, as he considered it of importance that the Bill before the House should get through the Committee with as little delay as possible. The proper course for the hon. Member to take would be to bring in a Bill to remedy those clauses he complained of; but he (the Attorney-General) should certainly give him his opposition. The motion of the hon. Member went to the extent that there should be no payment of rates, but if they did this, what test would they have of the respectability of the elector? The present franchise was the most ancient franchise known to the Constitution. The payment of scot and lot was the ancient test by which the competency of the party claiming to vote was determined. In the same way, the payment of rates and taxes was held to be an evidence of the competency of the parties to vote. He was not aware that any inconvenience had arisen in the manner stated by the hon. Member from the operation of these clauses. He had complained of the smallness of the constituency of the metropolitan boroughs, but let them take Finsbury for example. Finsbury had a constituency of twelve thousand, and certainly the hon. Member could not complain of the use they had made of their franchise, for they had returned him. The metropolis, altogether, returned eighteen Representatives, and they were all of the same way of thinking as the hon. Gentleman; surely, then, he had no reason to complain of the operation of the Reform Act. Some inconvenience might perhaps in some instances have arisen from the neglect of the tax collectors. Now, in the Bill before the House, a Clause would be inserted, obliging all overseers to give notice of arrears. The present was not a time to enter further into the discussion. According to the statement of the hon. Member for Liverpool, when he voted against the clauses originally, he had only two to support him. That was a sufficient proof that it was the opinion of Parliament that these clauses ought to be retained.

Mr. *Warburton* doubted if the present was the most proper time for such a motion, but still he should support it. He thought it was a notorious fact that the old system of scot and lot led to continual acts of bribery.

Mr. *Hume* said, he had himself lost his vote last year, and in St. James's parish alone upwards of 500 voters had been disfranchised by the working of the registration system. He hoped the franchise would be extended to every householder, and he was even prepared to go farther, if public opinion was prepared to go with him. He called on the noble Lord to redeem his pledge of adding 95,000 to the constituency of the metropolis, now that he found the deficiency to arise from the difficulty of the qualification.

The House divided on the original Question: Ayes 154; Noes 51:—Majority 103.

List of the AYES.

Alsager, Richard
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Bailey, J.
Baillie, Col. H.
Balfour, T.
Baring, F.
Barron, H. B.
Baring, F. T.
Beckett, Sir J.
Bell, Matthew

Benett, J.
Blackburne, J. I.
Blackstone, W. S.
Bonham, F. R.
Bradshaw, J.
Brownrigg, J. S.
Bruce, C. L. C.
Bruen, F.
Buller, Sir J. Y.
Burrell, Sir C. M., Bt.
Calcraft, J. H.
Campbell, Sir J.
Cartwright, W. R.
Chandos, Marq. of
Chapman, Aaron
Clements, Viscount
Clive, hon. R. H.
Corry, hon. H. T. L.
Cripps, Joseph
Dalbiac, Sir C.
Darlington, Earl of
Denison, John E.
Dick, Q.
Divett, E.
Donkin, Sir R. S.
Dugdale, W. S.
Duncombe, hon. A.
Eastnor, Viscount
Edwards, Colonel
Egerton, Wm. Tatton
Entwisle, John
Fazakerley, N.
Fector, John Minet
Fielden, W.
Fergus, John
Ferguson, G.
Fergusson, rt. hn. C.
Finch, George
Fitzgibbon, hon. B.
Fleming, John
Forster, Charles S.
Fremantle, Sir T. W.
Freshfield, J.
Geary, Sir W. R. P.
Goodricke, Sir F.
Gordon, W.
Goring, Harry Dent
Graham, Sir J.
Greisley, Sir R.
Grimston, Viscount
Hale, Robert B.
Halford, H.
Hamilton, Lord C.
Harcourt, G.
Hardinge, Sir H.
Hardy, John
Hay, Sir J., Bart.
Hay, Sir A. L.
Hill, Lord Arthur
Hogg, James Weir
Hope, hon. James
Houldsworth, T.
Howard, P. H.
Inglis, Sir R. H., Bt.
Johnstone, Sir J.
Jones, W.
Jones, Theobald
Knightley, Sir C.
Lambton, Hedworth
Langton, Wm. Gore
Lees, J. F.
Lefevre, Charles S.
Lennox, Lord G.
Lennox, Lord A.
Lewis, Wyndham
Lincoln, Earl of
Long, Walter
Lucas, Edward
Lushington, Charles
Lygon, hon. Col. H. B.
Linch, A. H. S.
Mackinnon, W. A.
Maclean, Donald
Mangles, J.
Manners, Lord C.
Martin, J.
Neeld, J.
Neeld, Joseph
Nicholl, J.
North, Frederick
O'Ferrall, R. M.
Oliphant, Lawrence
Paget, Frederick
Parnell, Sir H.
Parry, Colonel
Patten, John Wilson
Pechell, Capt.
Peel, Sir R., Bart.
Pemberton, Thomas
Praed, Winthrop M.
Pringle, A.
Reid, Sir J. Rae
Richards, John
Robarts, Abraham W.
Robinson, G.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, R.
Russell, Lord John
Russell, Lord C. J.
Sanford, E. A.
Scarlett, hon. R.
Scott, Sir E. D.
Scott, James W.
Sheldon, E. R. C.
Sibthorp, Col.
Sinclair, Sir George
Smith, J. A.
Smith, A.
Smith, Robert V.
Smith, Benjamin
Somerset, Lord G.
Stanley, E. J.
Stormont, Lord
Stuart, Lord James
Stuart, V.
Trevor, hon. G. R.
Tynte, C. J. Kemeys
Vere, Sir C.
Verney, Sir H.
Vivian, Major
Vivian, J. H.
Vivian, John Ennis
Vyvyan, Sir R. R.
Wilbraham, hon. B.
Williams, Robert
Wilmot, Sir J. E., Bt.
Wilson, H.
Wodehouse, E.
Wortley, hon. J. S.
Young, G. F.
Young, Sir W. L.

TELLERS.

Steuart, R.
Baring, Francis T.

List of the Noes.

Aglionby, H. A.
Baines, E.
Baldwin, Dr.
Bewes, T.
Blackburne, John
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Buller, Charles
Butler, hon. Pierce
Chichester, J. P. B.
Churchill, Lord C. S.
Clay, William
Elphinstone, H.
Ewart, W.
Fielden, J.
Gaskell, Daniel
Gisborne, T.
Grote, G.
Hall, B.
Hastie, A.
Hawes, Benjamin
Hindley, Charles
Horsman, E.
Humphery, John
Hutt, W.
Jervis, John
Kemp, T. R.
Leader, J. T.
Macnamara, Major
Marsland, H.
Molesworth, Sir W.
O'Brien, Cornelius
O'Connell, Daniel
O'Connell, John
Parrott, J.
Pattison, James
Philips, Mark
Potter, Richard
Pryme, George
Roebuck, J. A.
Rundle, John
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Tooke, W.
Trelawney, Sir W.
Tulk, C. A.
Wakley, T.
Warburton, H.
Ward, H. G.

TELLERS.

Hume, J.
Duncombe, T. S.

The Speaker left the Chair, and the House then went into Committee.

On Clause 3, which enacts "Clerk of the Peace to issue his warrant to the high constable, with form of precepts, &c."

Mr. *Elphinstone* moved, as an amendment, that all that part of the clause which related to imparting this power to the high constable should be omitted.

The *Attorney General* was of opinion that the services of the high constables in this respect should be retained as a part of the Bill. In many instances, the overseers were interested parties. By the clause, the Clerk of the Peace was directed to issue his warrant to the high constable, with the necessary forms, &c. This was in strict conformity with the Jury Bill of the right hon. Baronet opposite (Sir Robert Peel). That Bill had been found to work exceedingly well, and on the principle contained in that Bill the present clause was framed.

Mr. *Edward Buller* said, if these duties were to be imposed on the high constable, it would be just that they should be properly remunerated for their services. If such were not the case, persons would be appointed who would not be qualified for the performance of the duties.

Mr. *Hume* observed, that when the former Bill was before a Committee up stairs, it was in the first instance decided that the overseers should be the persons. But in consequence of some representations made by hon. Members, that in the north of England the high constables were a superior class of persons to the overseers, he (Mr. Hume) was induced to change his opinion. Since that period, however, he had again changed his opinion, and he was not ashamed to confess it; and in consequence of information he had received, he was therefore induced to revert to the overseers, and his reason was this, because the high constables were not all of the same class of persons throughout the country, some being paid, and some not, and he was therefore now disposed to think they would not do the duty as well as the overseers. In a case of doubt and difficulty, he thought it was best to go back to the overseers, rather than to appoint the high constables to perform this duty, which might lead to increased trouble and delay.

Mr. *Charles Buller* thought, that if the House saw reason to make an alteration, it was incumbent upon them to adopt a sensible one. When they were about to appoint officers to discharge a particular duty, they were bound to take care that such appointments should be proper and consistent.

The *Attorney General* said, that the reason why it would be improper to employ these persons was, that it would give them too much to do. The high constables of England and Wales, though not always very bright men, were quite competent to the duties imposed upon them by this Bill, and they were men who were well known to the Clerks of the Peace, and could easily communicate with them. The amendment which had been suggested by the hon. Member for Hastings would, if carried into practical effect, in his opinion, make matters worse than before. He thought that, upon the whole, the high constables would be found to be less incompetent than the overseers to this particular duty.

Mr. *Mackinnon* thought it quite inexpedient to transfer the duties of the overseer to the high constable; and it was to be remembered that the regulation proposed, if carried, would impose great additional duties on the high sheriff, for which the Act provided no scale of remuneration. The hon. Member concluded by moving, as an amendment upon the amendment of the hon. Member for Hastings, (Mr. Elphinstone), "That a provision be made for appointing a registrar or officer for the purpose of preparing the list of voters for counties, cities, and boroughs, in lieu of overseers of the poor, and otherwise for carrying the Act into effect so far as relates to the duties at present required of overseers and constables, with a view to the diminution of expense, the obtaining the lists in a more correct form, and the prevention of unnecessary delay before the revising barrister."

The *Solicitor General* thought, that the machinery of the Bill, as it then stood, was one which was perfectly well known to the Constitution, and there was no probability that it would not work well.

Colonel *Parry* preferred the duty being performed by the overseer, because he was a more responsible person than the high constable, though the latter was undoubtedly the more ancient office. He should prefer all communications being made direct from the Clerks of the Peace to the overseers.

Mr. *Grote* said, that, from what had fallen from hon. Gentlemen in the course of this discussion, it appeared to be quite clear that there was a great lack of administrative talent throughout the country. He thought that by the amended clause, or by the clause as it stood, they would introduce an unnecessary complexity of offices without obtaining a beneficial result, by reason of the inefficiency of the agents to be employed. Upon the whole, he thought the wiser mode of proceeding would be to employ a paid officer.

The *Attorney General* objected to such officer being appointed, because whatever Government should be in power, they would be supposed to appoint their own officers, and they would always be liable to the charge of partiality in the selection of their individuals.

Clause agreed to.

On the 12th clause,

Mr. *Warburton* objected to the number of Revising Courts, and to the circumstance of all the revisions being fixed to take place on the same day. If they were fixed for different periods, twelve Courts would be sufficient to dispose of all the business.

The *Attorney General* defended the clause as it stood, as providing the most efficient means of accomplishing the object.

Lord *Granville Somerset* complained of the contradictory decisions of the Revising Barristers, and suggested the practicability of establishing a Court of Appeal, if not to try questions of fact, at least to determine the construction of the Act. He moved, as an amendment, that the Lord Chief Justice of the King's Bench and the Chief Justice of the Common Pleas, together with the Chief Baron of the Exchequer, should, previous to the Summer Circuit, appointpersons for the duty, who should not be of less than five years' standing at the Bar.

Lord *John Russell* admitted, that it might be desirable to have Gentlemen of more experience and fewer in number. By vesting the power in the Judges, as, at present, precaution was taken against placing it where the possession of any political power might interfere with its exercise; but it was impossible that there should not be complaints against this or that appointment, and he did not think the objections would be removed by the proposition of the noble Lord.

Clause agreed to.

Clauses to the 18th were agreed to. The House resumed. Committee to sit again.

HOUSE OF LORDS,

Tuesday, April 19, 1836.

MINUTES.] Bills. Read a second time:—Mutiny; Marine Mutiny.

Petitions presented. By the Marquess of SALISBURY, from Sunderland, against the Municipal Corporations' Act Amendment Bill.—By Lord GORT, from Methodists of Limerick.—By Lord SEGRAVE, by the Earl of MALMESBURY, by the Bishop of LONDON, by Lord HATHERTON, by the Marquess of BUTE, by the Earl of RODEN, and by Lord VERULAM, from a variety of Places and Persons, for the better Observance of the Sabbath.—By the Archbishop of ARMAGH, from certain Clergymen, Vicars of King's College, Galway, against parts of the Municipal Corporations' Bill (Ireland). By Lord HATHERTON, from the Dissenters of the Baptist denomination, of Zion Chapel, and Providence Chapel, Chatham, for Relief.

NAVAL COLLEGE.] The Earl of *Hardwicke* understood, that it was the intention of his Majesty's Government to abolish the Naval Architectural College at Portsmouth; and he must express his great regret, that Government had found it necessary to take any steps of that sort. Young men of tender age were received in that institution; they were protected for two years and a-half; under the regulations of that college, they pursued their useful studies as naval architects; they then proceeded to sea and followed up their preceding instruction in a manner that was advantageous to themselves, and was likely to be most beneficial to the public service. So much for the education they received in that establishment. He much regretted, that the college should be abolished, nor could he see why the Government should wish to remove it. But if it were the intention of his Majesty's Ministers to adopt that course, he should be glad to know what they intended to do with the officers connected with the institution? There was amongst those officers one man (he admitted, that they were all individuals of high merit)—but there was amongst them a man of the most distinguished talent—he alluded to Dr. Inman, the principal—who never yet had scope for the display of his great abilities. His mathematical and practical knowledge as a ship-builder was of the very first order; and he conceived, from the career of that gentleman, that no proper opportunity had been afforded to him for displaying his abilities. The practical knowledge and great science which he possessed was admitted by all who had turned their attention to the subject. His object in rising was chiefly to ascertain, if it were the intention of Government to abolish the college, what they meant to do with Dr. Inman and others connected with it? To allow him to retire merely on a small pension would be uselessly to throw aside his talent. Why should he not be allowed to compete with that great shipbuilder of the Navy-yard, Captain Symonds? If the college were abolished, he did not know what course Ministers meant to pursue for the purpose of procuring shipwrights for the country, because those who had been educated at the institution had disappeared in a great measure; they certainly had not been encouraged as they ought to have been. Where, then, were they they to look for future naval architects? He would say, if Dr. Inman's labours were no longer to be available at the college, he ought to be enabled to give lectures on naval architecture, as he had done before, and thus encourage the study of that important art. He knew there were builders in the yards who practically understood the building of ships, but they did not possess that scientific knowledge of the art which he conceived to be necessary.

The Earl of *Minto* was anxious to give an answer to the noble Earl as far as he possibly could. In the first place, he could do no more than state that it was the intention of Government to suppress the establishment of the naval college at Portsmouth. As he felt, however, that the inconvenience of suddenly suppressing the college would be too great, he had included in the estimates for the present year the expense necessary for the support of the institution. But, after this year, the college would be suppressed. Some parts of the noble Earl's speech had reference rather to the respective merits of Captain Symonds and those of the master of the college than to the institution itself. He admitted the great merit and the very eminent talents of the latter gentleman, who perhaps possessed science to a degree beyond what was required for the situation. The noble Earl regretted, that no opportunity had been afforded to that individual of distinguishing himself before the public as he might have done. But when they came to consider that question, it must be decided, not on the particular merits of the individual, but on the actual services which he had rendered the country. As to the supply of shipbuilders that might be wanted for the country, means would be provided for imparting the necessary education. In his opinion, that species of education had not hitherto been sufficiently provided for, either in a practical or scientific point of view. It was necessary, therefore, that a more efficient and effectual mode should be adopted, in order to provide for the education of the younger branches of the naval profession in that respect. How that was to be done he was not at the present moment prepared to state to their Lordships. The subject was, however, under the consideration of Government. To say, that any one was unduly favoured in making nautical experiments was not correct. As far as his observation went, no person had been so favoured. Captain Symonds had built a ship which had performed extremely well, while that built by Dr. Inman had not answered in the way that had been expected. The latter had been employed in building a vessel to compete with Captain Symonds's best ship; and it had been preparing for the last six weeks, in order that it might go to sea, so that a fair trial should be made between it and Captain Symonds's ship. To show, that no undue favour was extended to Captain Symonds, it was agreed that Captain Hayes should have the command of the vessel.

Lord *Colchester* begged to inquire in what way it was proposed hereafter, to impart that education which was now derived from the Naval College.

The Earl of *Minto* answered, that he was not prepared to enter into details. He had already told the noble Earl who introduced the subject all that it was at present in his power to tell him.

Subject dropped.

PLURALITIES AND RESIDENCE OF THE CLERGY.] The Archbishop of *Canterbury* rose to move the second reading of the Pluralities and Residence of the Clergy Bill. The most reverend prelate was understood to say, that the statute law relating to the subject of the Bill had been originally framed in the reign of Henry 8th, but with very little regard to the discipline of the church. Attempts to amend it had been made in several acts afterwards passed, but the whole system was extremely inconvenient, inefficient in the greatest degree, and productive of many abuses, for the correction of which no provision was made. A Bill on this subject had been introduced by a noble Friend opposite, known by the title of the statute of the 57th of George 3rd, which contained many salutary regulations and restrictions on this part of ecclesiastical government. By this act all the statutes regulating the government of the church were repealed, with the exception of that very important part of them relating to pluralities. So many difficulties surrounded the subject at that time, that it was considered expedient to leave that part of the law untouched till a subsequent period. The law, as it now stood, was to be found in the 57th George 3rd, and in that part of the 21st Henry 8th left unrepealed, relating to pluralities. In the present Bill it was proposed to repeal all the statutes now in existence respecting the government of the church, as far as pluralities, non-residence, and some other points were concerned, and to embrace the whole in one measure, making such regulations regarding pluralities as the exigences of the case might require, and providing for other matters connected with residence in such a manner as, it was hoped, might tend greatly to increase the efficiency of the church. With respect to pluralities, the most important part of the question, and that on which the rest almost entirely turned, the present state of the law was this:—The statute of Henry 8th forbade pluralities, but, at the same time, admitted certain very important exceptions. As matters now stood, two benefices at the distance of forty-five miles from each other might be held by any incumbent possessing certain qualifications, such as being chaplain to a nobleman, or having the degree of a bachelor of law or divinity. Another class of livings was entirely exempt from such regulations, of which, as the law now stood, any number might be held, being subject to no restriction but the will of the patron or of the ordinary. The remedies appointed for this state of things were seldom resorted to in practice, and the consequence was, that a considerable number of small livings were often held together, at a great distance from one another. There was also another description subject to no restrictions at all regarding pluralities. He alluded to the livings in collegiate churches. This was very hard on the clergy, because it afforded an opportunity of accumulating on one individual what might supply a comfortable competence to two or three, and at the same time occasion non-residence on many benefices, one of the greatest evils in the church. By the present law it was proposed to apply a remedy to these evils by enacting that in no case might more than two benefices be held together, and that only when they were within an interval of ten miles. In order to prevent any undue accumulation of preferments in cathedrals, it was further enacted that no person should hold more than one benefice with one cathedral preferment, and no person should hold preferment in more than one cathedral or collegiate church. The only exception to be made was in favour of archdeacons, who, as their office was very laborious, and in general ill paid, were exempted from this regulation. A further restriction in point of value would be imposed by this Bill. No two livings, under the provisions of the Bill, could be held together, unless their united value was less than 500*l.* a-year. No living above that amount could be held in conjunction with another benefice having the cure of souls, not excluding cathedral preferment, except in cases where it might be desirable to annex a living of small value and great population to another of larger value, in order to furnish the clergyman with better means of subsistence, and to provide better for the instruction of the people. This might be done when the bishop thought it expedient, in which case he was required to state his reasons for permitting such a relaxation of the law to the archbishop, and if he approved of it, the livings might be held together, after receiving the sanction of the king in council. It necessarily resulted from these provisions that all preferments held in contravention of the proposed Bill would be *ipso facto* void, and at the same time the whole system of dispensations, which formed part of the prerogative, if he might so call it, vested in the Archbishop of Canterbury, was done away with. With regard to chaplains of noblemen, the Bill left to noblemen the power of appointing a chaplain as before, but merely deprived him of the rank which such an appointment now conferred. This, he had no doubt would be readily agreed to, when it was considered that, from the great additions lately made to the peerage, the possession of such a chaplaincy could hardly be regarded as conferring distinction. It must be obvious to their Lordships, that these restrictions upon the holding of benefices must be attended, in the present state of the church, with very great hardship to the clergy. Certainly, feeling as he did for the clergy, no less cogent motive than a regard for the good of the church and for the benefit that would be conferred on the curacies, could have induced him to have consented to such severe restrictions. There were, however, circumstances that would in some measure soften this portion of the Bill. It happened in some cases that parishes of very small population and small incomes lay adjacent to each other, neither furnishing a sufficient maintenance to the clergyman, nor giving him sufficient occupation. In such cases a union of the parishes would be very desirable. In some instances the same clergyman might be able to serve both, and might thus both obtain a larger income, and attend to the spiritual interests of his flock better than could be done by two independent incumbents. It would be the object of some enactments in this measure to give greater facilities for the union of contiguous benefices, and at the same time to prevent any abuse of these provisions from taking place. There were, on the other hand, unions now existing where large and wealthy parishes were held in conjunction, which it might be convenient to dissolve. It might be very conducive to the spiritual welfare of the people that such a separation should take place, and accordingly provision was made in the Bill for the severance of united benefices wherever it should be required. The next subject to which he would call the attention of their Lordships was that of residence. One of the greatest abuses in ecclesiastical discipline was acknowledged on all hands to be the non-residence of incumbents. It would be apparent, that as pluralities diminished, great progress would be made in reducing the number of non-residents. He held in his hand a return, made out some years ago, of the number of persons not residing on their benefices on account of exemption arising from the possession of other livings, amounting to upwards of 2,000. He trusted that some improvement had taken place since that time, but still he did not look for any material diminution in the number. He was inclined to think that there was some amendment, as the number of dispensations to hold pluralities had been much reduced of late years. He found by the return, that the cases of exemption from residence arising from pluralities were 2,000, while those arising from other causes were only 500 in number. Under the old Act many exemptions were permitted which he thought could not fairly be allowed. He would not trouble them with a list of those proposed to be abolished, because this part of the subject could be best considered in Committee. It was not intended, however, to deprive existing incumbents of the exemptions now enjoyed by them. He believed that the number of persons non-resident, in consequence of wanting proper glebe-houses, was almost as great as that of those who were absent from holding pluralities. The Bill accordingly contained a provision to facilitate the borrowing of money for the rebuilding of glebe houses, and extended the period of the payments to twenty or thirty years. He would not detain the House by going into a minute detail of the regulations by which it was proposed to carry the Bill into effect. The Bill certainly increased the powers of the Bishops, and if the Bishop did not interfere to enforce residence, then the common process was open. The penalties inflicted by this Bill were the same as before. The Bill provided for the due administration of divine service during the absence of the incumbent. Further powers were given to the Bishops in cases of incapacity. It was very desirable that the Bishop should have the power to enforce in some instances, and to dispense with in others, two full services every week, and the present Bill would carry that object into effect. There were also two provisions, giving to the Bishop the appointment of the stipends to curates, and enacting that no spiritual person should serve more than two churches or two chapels, or one church and one chapel in one day—provisions which would, he trusted, do away with practices that were calculated to bring reproach upon the church. By the present Bill the same powers were conferred over benefices that were under sequestration as in all other cases of non-residence or plurality, and care had been taken to prevent any evasion of the effect of the measure; and it was proposed that all sequestrations under that Act should have priority over all others. He believed he had stated to the House the principal provisions of the Bill, and was afraid that he had already trespassed too long upon their attention, but when the deep importance of the subject was considered, when it was remembered that the existence of the Church, nay, the propriety of the existence of any Church, depended greatly upon the manner in which the services and duties of the Church were discharged, he could anticipate no opposition to sending the Bills into Committee. In Committee any faults might be remedied; and he, for one, should feel extremely obliged to any of their Lordships for any suggestions which might be considered as improvements upon the measure as it then stood. Upon the whole, however, he felt convinced that it was a measure calculated to do much towards promoting the efficiency of the Established Church, and towards doing away with the evils of pluralities and non-residence. In conclusion, he begged leave to move, that the Bill be now read a second time.

Lord *Ashburton* said, it was impossible to read the proposed measure without seeing that it was extremely stringent upon the great body of the clergy: he alluded especially to the provisions with regard to the appointment of curates and the control of the Bishops over the clergy; all of which might be extremely proper. He did not rise for the purpose of exciting any discussion upon that subject, but only to observe—and the right reverend Prelate would himself admit the justice of the proposition—that it was but fair that that large body, so materially affected by the Bill, should be afforded full time to learn in what manner that House was about to deal with them.

The Archbishop of *Canterbury* was fully as anxious as the noble Lord to afford every opportunity to the clergy of becoming acquainted with the provisions of the Bill, but he must beg leave to say, in reference to the stringency of the Bill, that, in comparison with the law as at present existing, and by that it must be judged of, it was by no means severe upon the clergy; for all the most stringent clauses in his Bill were to be found also in the old Bill, which was at the present time the law of the land.

Lord *Ashburton* said, it certainly had appeared to him that considerable deviations had been made from the existing law; he had, however, too great a respect for the opinion of the reverend Prelate to advance in opposition any impression of his own; but when it was considered that the Bill would affect the interest of so many persons it was only justice to afford them every opportunity of becoming acquainted with the nature of the proposed alteration.

The Archbishop of *Canterbury* agreed with the noble Lord as far as the object could be effected; but it was almost impossible to attain it. What with the many misrepresentations of the measure which might be made by persons interested in opposing it, if they were to wait for the acquiescence of the great body of the clergy he was afraid that the Bill would never be allowed to pass.

The Bishop of *London* said, in point of fact, the Bill did appear more stringent than it really was; for he begged leave to inform their Lordships that in the most stringent parts of the measure there was no departure from the present law. He could assure them that by the present Bill the clergy should not be called upon for one farthing more than they were now liable to pay; that he presumed was the stringency of which the noble Lord mainly complained.

Lord *Ashburton* had alluded rather to the provision which enabled the Bishop to force non-resident incumbents to employ curates.

The Bishop of *London* believed the only case in which there was a difference between the two measures was in the provision which gave to the Bishops the power over unbeneficed, which they now only possessed over beneficed clergymen. He agreed with the noble Lord that every opportunity should be afforded to the clergy of becoming acquainted with the measure; and he believed the whole Bill had been printed in one of the most popular morning papers. The provisions were so numerous that the Bill must certainly last more than one night's Committee, and there would doubtless be some delay before it could be carried through that House; but when it was sent into the House of Commons, where they were not so cognizant of matters of that nature as many of their Lordships, the passing of the Bill would, in all probability, be protracted for a considerable time: and he (the Bishop of London) begged to express his firmest conviction that if that measure, or some other equivalent to it in its provisions, were not carried through Parliament in the course of the present Session, the most serious injury to the Church would ensue.

Lord *Ashburton* had not risen for the purpose of exciting any discussion upon the present occasion, but merely to suggest the necessity of affording the clergy the means of acquiring the fullest information upon the subject.

The Bill was read a second time, and ordered to be committed.

HOUSE OF COMMONS,

Tuesday, April 19, 1836.

DUBLIN STEAM PACKET COMPANY.] Mr. Maurice O'Connell moved the third reading of the Dublin Steam Packet Company's Bill.

Sir *M. S. Stewart* moved, as an amendment, that the Bill be read a third time that day six months.

Mr. *Emerson Tennent* supported the amendment, and said, that if they were to allow the proprietors of this company, whose responsibility was only limited, to raise a large sum of money in this way, the effect would be the crushing of all minor speculations, and the prevention of anything like competition from which advantage would be derived to the public. It was his opinion that steam packets required no more protection than sailing vessels; and for his part he could not understand why any more favour should be shown to them. This company obtained their first Bill in 1828, and in 1833 they were enabled to raise a sum of 74,000*l.*; but they had never rendered any account of how that money had been expended. When they came forward to pray that Parliament would allow them to raise that sum, they stated that it was intended for the improvement of the river Shannon. He admitted, that it might be advantageous to them to improve that river; but then they should be confined to the navigation of the Shannon, and not suffered to embrace the navigation of the whole of the ports connected with the British Channel. It was, he contended, most unfair that they should be permitted, with a limited responsibility, to compete with companies, every proprietor of which was responsible to the last farthing of his property.

Mr. *Ewart* said, that they would not be acting justly, if they allowed one Steam Company to possess advantages which were denied to others. He did not see why this company should have privileges which were not extended to all others, and, therefore, he should vote for the amendment.

The *Attorney General* expressed himself hostile to the Bill, and said, that his constituents were strongly opposed to it. They thought that this company should only be allowed to stand forward in the terms of fair competition, and as the Scotch steam companies were liable to the whole extent of their properties, so ought this company to be. If, however, it were necessary to make a distinction between the parties, why let them at once propose one general law upon the subject, by which all such companies should be placed upon an equal footing, or let the promoters of this Bill confine themselves to the navigation of the river which they intended to improve, by an outlay of their capital. He hoped the Government, in the exercise of their authority, would never consent to give an advantage to one company over another, more especially, when in the one case only a limited responsibility existed, while in the other, the whole property of the parties was embraced in the speculation.

Mr. *O'Connell* conceived that he had great reason to complain of the hon. Member for Belfast, for entering into a discussion of the details of the Bill, which were proper matters only to be introduced in Committee. It was generally admitted that the principle of the Bill was good, as it contemplated the improvement of Ireland, on which it had already conferred numerous benefits; and if what they asked the House was granted, which was nothing more than permission to raise money among themselves, they would extend their usefulness and confer further benefits on that country. Objection had been taken to this measure, in consequence of the shareholders being freed from all responsibility, beyond the amount of their shares. For this, however, there were precedents, as two Bills, conferring similar exemptions, had passed that House within a short time, but they were for London; and it is only now when this company, which had worked admirably for the interest of Ireland, had come forward that the grievance was discovered, and the evils that it would entail had become apparent. It had also been urged that one general law should be promulgated, by which to regulate the liabilities of companies. He had no objection to such a law; but the best way of effecting it would be, to grant the powers claimed in the present Bill; and then let some half-a-dozen powerful and wealthy companies co-operate in applying for a measure of this description. He hoped the subject would be maturely deliberated on before hon. Members came to a determination of opposing it; and that they would bear in their recollections that by defeating it they would be retarding improvement in a country where there was little capital and much room for the extension of it. But if they had made up their minds on the subject, he trusted their opposition would not prove successful.

Sir *Henry Parnell* said, he should oppose this Bill on public grounds. The establishment of such companies as this, with exclusive and peculiar privileges, instead of encouraging the employment of capital, actually prevented it from being embarked. Why was it, that there was only one steam-packet company in

Dublin? Because private adventurers could not go into competition with a company managed on the principle of non-liability. The business of a company, the partners in which were not liable for loss beyond a certain amount, was never conducted upon the true principles of trade and commerce. Why was it that London had only two steam-packet companies, while there were so many in the various other ports of England and Scotland? Because the London companies possessed exclusive privileges. He had always heard that the packets employed by the London steam-navigation company in its trade with foreign ports, of which it possessed a monopoly, were greatly inferior in point of size, accommodation, and management, to the steamers trading between London and Edinburgh, and other ports in Scotland. He must differ from his learned Friend, the Attorney General, as to the expediency of extending generally the principle of limited liability. He thought that such a principle was a bad one, and it was opposed to the great principle under which the wealth of this country had grown up. The introduction of such a principle in the formation of trading companies had been attended with bad effects both in Ireland and France.

Lord *Clements* said, that the House should bear in recollection that this company was the first to establish a steam conveyance between Dublin and Liverpool, and also with the different parts of Ireland which enabled the inhabitants of remote districts to send their agricultural produce to Dublin for shipment to England. These were two important considerations, which should not be overlooked, when the parties only required the power of raising and expending their own money. It was urged that they should not be allowed this privilege, and that they had capital sufficient for all their purposes. This he denied; and the result of a refusal would be to give all the advantages to the Scotch steam-packet companies, who had larger capitals than that of the Dublin company. He (Lord Clements) on his part, would be happy to see the Scotch companies competing with the Irish, and to have the non-liability extended to them. It would have rather an awkward appearance for people not to be permitted to subscribe their own capital to their own purposes, and that by one of the most efficient companies in the kingdom.

Mr. *William Roche* said, he knew not any public company which could present itself before Parliament and stand the test of the minutest scrutiny more fearlessly, or rather with more perfect confidence, than the Dublin Steam-packet Company, pointing as it could to the most satisfactory performance of every duty and of every responsibility that devolved upon it as well as to the more than ample realization of every public benefit expected from it. It associated at a time when none else were disposed to take up, he might say, the neglected cause of the Shannon, that noblest river of our home empire. It commenced its proceedings with moderation, it advanced with caution, and progressed with the most extraordinary advantages to the community and the revenue multiplying in the very short space of three years, the amount of tolls payable by it—by *twelve fold*, and increasing consequently in a similar ratio, the industry, trade, and commerce of that district—a district where the employment of the people not only conduced, as it always does, to national prosperity, but was, in fact, an act of humanity and charity so destitute of employment and consequently of every comfort was the population of that quarter. This company, too, was the first to introduce a new and liberal element into its operations, that of rendering those who dealt with it participators in its prosperity. As to the charge of monopoly, he considered it quite untenable, for this company does not say, confer on us special privileges but withhold them from others. On the contrary, it invited every other company to place itself in the same condition, if such company deem it advisable and can establish similar claims to public confidence and approval. As to the privilege of limited responsibility, so much observed upon, he considered it, under proper guards and on fitting occasions, a very useful principle of legislation because it promoted concentration of capital for great public purposes not otherwise practicable. But this limited responsibility the Dublin company already possessed, and therefore had no occasion to ask for it, all it seeks for, being permission to increase its capital somewhat in proportion to the wants of its increasing business, and acknowledged great public utility. On the whole he felt that were he to vote against the passing of this Bill, he would virtually, be voting for the suppression of one of the most valuable sources of Irish improvement and prosperity, and that merely to soothe the jealous feelings of rival companies. He therefore would most cordially support the third reading of the Bill.

Mr. *Wallace* was not disposed to detain the House for any length of time, as he had already declared on what principle he was induced to record his opposition to the Bill. No doubt it was important to the people of Ireland, that the river Shannon should be improved; but money could be obtained for that purpose, without granting the power to this company of raising such an addition to their large capital, on such a limited responsibility as the shares of individuals. The evidence which he held in his hand, delivered before the Commissioners of Post-office Inquiry, stated, that the authorities of that department had sanctioned this company in building additional steamers for the purpose of contracting with them for conveying the mails; and that in such expectation a sum of 170,000*l.* was expended in new vessels. He would not depart from the principles of responsibility for the advantage of any company; and he saw nothing particular in Ireland that would induce him to confer privileges on her which Scotland did not enjoy. When the company had an addition made to their capital on a former occasion, their improvements were rather limited; and of the shares, amounting to a sum of 74,000*l.* a considerable sum remained to be paid up. Under all these circumstances, he did not think the parties entitled to the privileges which they had claimed, and with this impression on his mind he would oppose the motion.

Mr. *Poulett Thomson* would take the liberty of saying a few words on this Bill, as he did not like, in giving his support to the third reading, that it should be supposed he did so on the principle of sustaining the interests of Ireland against those of Scotland, or any part of the country against another. He distinctly denied that it was the duty of the Government to interfere with subjects of this kind, with reference to their respective or relative merits. These were matters for the consideration of a committee, and for that House, upon which every hon. Member was at liberty to record his individual opinions, without any interference on the part of the Government. But it rather unfortunately happened that there was too much mixed up in private Bills, by which the Government, and particularly that department over which he presided, was called upon to interfere. It was too much the practice to introduce enactments in them affecting the public revenues and customs laws, which obliged the Government to interfere, for the purpose of calling the attention of the House to them. It was because of a principle which was involved in the measure that he (Mr. P. Thomson) had considered it his duty to interfere on the second reading of the Bill, and to intimate his intention on the part of the Government to oppose it, unless certain clauses were expunged. In doing so, however, he did not desire to have it understood that he had come to any decision on that great question of limited responsibility. The clauses objected to were struck out of the Bill, and it was read a second time, without any further interference on the part of the Government. He, however, felt much surprised at a letter having been put into his hands by an agent for the Bill, calling attention to it. He admitted that it was incumbent on the Government to look into the provisions of the Bill; and if they were objectionable, it was the bounden duty of the Government to express their disapprobation. But it was too much to say, that the Government had approved of a Bill that they did not interfere in further than as Members of that House. His hon. Friend near him (Mr. Wallace) had adverted to evidence and to statements of engagements having been entered into on the part of the Post-office for the furtherance of the views of this company. He (Mr. Poulett Thomson) had no doubt that a satisfactory explanation would be given on this subject which would convince the hon. Member that no such expectations had been held out, or any favour contemplated. There had been a great variety of opinions delivered in that House on the subject of limited responsibility; and during the present Session no less than from eight to ten Bills had passed, imposing conditions of one kind or another, involving it. So seriously had he considered the subject, that he had placed in the hands of a high legal authority in the country, all the documents that would enable him to come to a sound conclusion with the view of submitting some measure emanating from the Government to that House, during the present Session, or in the next, which would comprehend partnerships of less than six individuals and Joint Stock Companies. His object in so doing would be to put an end to the unfit state of the law as it now stood, by the introduction of a Bill for deciding the question generally. In the present instance all that was asked for in the Bill under consideration was, for permission to increase capital, and he could not, on his own part, feel justified in refusing the application, or consider it a justification for depriving the Dublin Company of the privileges they enjoyed under the Bill as originally passed. It was urged as an argument then, that the limited responsibility of the shareholders prevented them from directing proper attention to the affairs of the company. If such was the case, the increase of capital would be one of the best means of correcting the evil, as it would deter people from hazarding their money, and make them more watchful how they engaged in a speculation that, if not properly managed must lead to serious consequences. Having stated his opinions on this Bill, he should not feel justified in offering it any opposition, but leave it in the hands of the House.

Mr. *Cumming Bruce* had presented a petition from his constituents against the Bill; but it was not alone on the petition that he offered it his opposition, but on the general principles so ably stated by the hon. Gentleman who had preceded him. He was quite sure, that the right hon. the President of the Board of Trade would give satisfaction to all parties. The hon. and learned Member for Dublin, in supporting the Bill, did not reflect on the great injustice to Scotland, to have her steam companies competing with unlimited responsibilities, against Irish companies with limited responsibility.

Mr. *Labouchere* was asked whether the Post-office department had given any assurance, or held out any expectations to this company of the contract for conveying his Majesty's mails; but he could assure the hon. Member for Greenock (Mr. Wallace) and the House, that no such expectations were held out or assurances given. The evidence on which the charge rested was rather vague, and did not go the length of imputing such an intention on the part of the Post-office; but if the hon. Gentleman meant to do so, he laboured under a very great error. The only communication on the subject was through a general circular letter, which was addressed to the company as well as to others to ascertain whether they would be disposed to undertake the service.

Dr. *Bowring* declared, that in his opinion nothing could be more discreditable to the mercantile community than the law which made the private property of individual shareholders responsible. He could not agree with his right hon Friend, the Member for Dundee (Sir H. Parnell), as to the injurious tendency of a limited responsibility. He believed, on the contrary, that the time would soon arrive when the principle of a limited responsibility would be recognised as the most judicious one. However, he would not consent that one company, with a limited responsibility, should have the opportunity of competing with another of unlimited responsibility, and he would therefore oppose the motion for a third reading.

Lord *Morpeth* supported the Bill. The objections which were raised to the principle of the Bill should have been urged in Committee, and not after it had reached to such an advanced stage. He was fully aware of the advantages which would be derived to Ireland from the outlay of capital, and the judicious exertions of this company. Under these circumstances he would support the measure to the extent of his power, and he hoped it would receive the favourable consideration of the House and pass into a law.

Lord *Francis Egerton* supported the Bill, and referred to the services already rendered by the company.

The House divided on the original question.

Ayes 120; Noes 174:—Majority 54.

Bill put off for six months.

Right of Members to sit on Committees.] Mr. *Kemp* moved, that all Members serving for the county of Kent be Members of the Committee on the Brighton Railway Bill, Rennie's Line.

Lord *George Lennox* opposed the motion. He begged to submit the point to the Speaker. The resolution of the House was, that all Members for boroughs through which the line passed might sit on the Committee, but, in fact, the new undertaking, under Sir John Rennie, ended at Croydon, and there joined the Croydon and Greenwich Railway, the Bills for which passed last year.

The *Speaker* thought that the Railway from Croydon to London formed part of the whole line contemplated by Sir John Rennie, consequently that Mr. Barnard was *prima facie* entitled to sit and vote on the Committee.

Sir *Charles Burrell* resisted the claim, as the new line of Sir John Rennie came no farther than Croydon; his line was, in fact, not from Brighton to London, but Brighton to Croydon

The *Speaker* said his original impression was, that the hon. Member had a right to claim to be of the Committee; but, in consequence of the explanations that had since been given, he was induced to change that opinion, and he now thought the hon. Member, according to the orders of the House, could not substantiate that claim.—Debate adjourned.

CALL OF THE HOUSE.] Mr. *Harvey*, in rising to move the Order of the Day for calling over the House, begged to ask the noble Lord (John Russell) whether it was his intention to oppose the motion? If it were his intention, then he should first move that the Order of the Day be read, and afterwards that the House be called over.

The Order of the Day read,

Mr. *Harvey* then moved, that the House be called over, and in doing so said, he was anxious to state, as far as his own individual opinion was concerned, that looking at the unprecedented attendance of Members, at the present moment, he was content to dispense with a call of the House, if he could do so consistently with the course to be pursued by the noble Lord, the Member for Buckinghamshire, who had given notice of a call for Thursday next. The object of that noble Lord was to direct the attention of the House to the present state of agriculture, and to endeavour to procure for the agriculturists some relief out of the surplus which fortunately the right hon. Gentleman, the Chancellor of the Exchequer, stated was at his disposal. He therefore considered he could not, with consistency, wave his motion, inasmuch as while the object of the noble Lord was to promote economy, his object was to prevent extravagance. Under these circumstances, he felt it his duty to proceed with his motion.

Lord *John Russell* did not rise to oppose the hon. Gentleman's motion for a call of the House; on the contrary, he had no objection to it; at the same time, if the House were then to be called over, he would put it to the noble Lord (the Marquis of Chandos), who had a similar notice for Thursday, whether, considering that the House was now so full, and that it was not likely that there would be any great diminution in the number of Members in the *interim*, the present call would not suffice for both motions, in order that a call of the House might be dispensed with on Thursday.

Motion agreed to, and the House was called over.

THE STATES OF BARBARY.] Mr. *Scarlett* said, that since he had given notice of a motion to call the attention of the House to that part of the Report of the Committee upon the Consular establishments, recommending the transfer of the Consulary Correspondence with the Barbary States from the Colonial to the Foreign Office, he had seen it announced in the public prints, he knew not from what authority, that such a transfer was in contemplation. He begged therefore to ask the noble Lord, the Secretary for Foreign Affairs, whether this was true, as, upon receiving an answer in the affirmative, the observations which he should otherwise think it his duty to submit to the House would be narrowed into a very small compass.

Viscount *Palmerston* replied, that the Government had resolved to act upon the opinion expressed by the Committee, and that arrangements were in progress for carrying into effect a transfer of the business. Preparations had been making at the Foreign Office for the receipt of the books and documents alluded to by the hon. and learned Gentleman.

Mr. *Scarlett* said, he should abstain from adverting, at that moment, to the situation of the African States, which particularly required the attention of the Secretary for Foreign Affairs, and from several other topics; and would content himself upon the present occasion with noticing the disastrous state to which the regency of Tripoli had been reduced by the indiscretion, he would not use a stronger term, of the British agent. Though the immediate cause of the war which had now for several years devastated that unhappy country was the striking of the British consular flag, contrary to the spirit of the instructions given by the British Admiral then commanding his Majesty's forces, the calamities which preceded this misfortune began in the banishment of the representative of the ancient and illustrious family of D'Ghies, whom he was proud to call his friend, a most excellent and honourable man, who was at the moment of his banishment filling the situation of first Minister of his Sovereign. The British Government owed a deep debt of gratitude to this family, which it had repaid with ingratitude and neglect. By means of the influence and integrity of this family, the state of Tripoli had been brought, during three generations of men, into a state of some order and civilization. From the moment of the expatriation of this enlightened Minister, the only Mahometan perhaps perfectly acquainted with European civilization, the calamities of Tripoli had increased. From want of his counsels, the reigning dynasty was overturned and compelled to quit the regency, and the country had become a prey to internal war and to every sort of disorder. He therefore implored the noble Lord's humanity and compassion for the miseries of this unhappy country, and trusted that, as those misfortunes arose in a great measure from the imprudence of the British Consul, he would endeavour to apply a suitable remedy to them. By such conduct the noble Lord would erect a monument to his fame more lasting than any other—the reputation of a judicious exercise of the duties of his great office. The hon. Gentleman concluded by moving for the correspondence between the British Admiral and the Consul relative to the debts of the Pasha, and the striking the British flag at Tripoli in 1832; and for correspondence between the Pasha of Tripoli and the Consul upon the events of the war which broke out upon the striking of the British flag in that Regency.

Viscount *Palmerston* complained that the motion was different from that of which the hon. and learned Gentleman had given notice, which was to call the attention of the House to the correspondence in question. He would not, however, dispute upon the point of order; but he assured the hon. and learned Gentleman that he would endeavour to make himself master of the subject, of the importance of which he was quite sensible. As the correspondence was to be transferred to the Foreign Office, he trusted the hon. and learned Gentleman would not persevere in the motion.

Mr. *Scarlett* said, he would withdraw it, with the leave of the House, as the object of his motion had been answered, and he felt sure that every attention would be paid to the business in the Foreign Office, when the Consular correspondence should be transferred to it.—Motion withdrawn.

STAMP-DUTY ON NEWSPAPERS.] Mr. *Buckingham* wished to ask the right hon. the Chancellor of the Exchequer whether it was his intention to limit the reduced stamp-duty to a sheet of a particular size, because, if so, many country papers which were printed on large sheets would suffer by the regulation.

The *Chancellor of the Exchequer* replied, that he meant to reduce the duty from 4*d.* to 1*d.* upon what might be considered the largest single sheet. He was quite aware that there was some objection to the plan as it now stood in the schedule in reference to the double sheet. But it had been communicated to him that it would be a matter of some convenience if newspapers were occasionally allowed to print on a sheet and a half. In that case, he should propose that for this extra half-sheet an additional half-penny duty should be charged.

Mr. *Goulburn*.—Am I to understand that the double sheet is to pay double duty?

The *Chancellor of the Exchequer*.—Certainly.

PENSION LIST.] Mr. *Harvey* said, that he would begin the observations which he was about to address to the House by reading the resolution of which he had given notice,—"That a Select Committee be appointed to revise each pension specified in a return ordered to be printed on the 28th of June, 1835, with a view to ascertain whether the continued payment thereof is justified by the circumstances of the original grant, or the condition of the parties now receiving the same, and to report thereon to the House." It was impossible, when he called to mind the fact that the names of all the Members of the House had just been called over expressly, not only to divide upon, but to hear the grounds on which they were to divide upon his motion, which related to a subject on which the people of this country took great interest, not to be surprised at the present appearance of the House. It was neither favourable to the principles of reform nor the practice of it. And when he uttered the word "Reform," he did not mean to restrict the remark to those hon. Gentlemen who were the avowed advocates of reform in its enlarged sense, for in the present day there were none but Reformers in that House. They differed indeed in degree, and were various in their shades of character, but they were all contending for reform. There was Conservative reform, Ministerial or Whig reform, and Radical reform,—but all were Reformers. He therefore did not mean to limit the remark to those who sat on the other (the Ministerial) side of the House, in whose favour an exception might however be taken, for there they appeared at least in decent numbers. But when he called to mind that next Thursday there would be another call of the House, for a purpose, let it be remembered, of great importance to the country, and not unconnected with the economy of the public money, he was still more surprised at the thin attendance of Members. It might be said—indeed, it had been whispered to him, "You have done wrong in having the House called over; there was a considerable muster at six o'clock, and some little but no unfriendly curiosity to hear you; but consider that every man who knows the value of a good meal will not prefer a debate to his dinner." They were all gone away with the understanding, that when everything was said that could be said in favour of the motion in their absence, they would come down with a ripened judgment to vote on the division. If he were to follow his own inclination, he should sit down and leave it to the Government, the Reform Government, to state the grounds upon which they were prepared to oppose this motion, and let the House and the country judge of the validity of their arguments and the sincerity of their motives. For he was aware that it was often said, that debates were carried on in that House, not for the purpose of producing conviction in their minds, or making converts from one party to another—no, they were too stubborn, they were too firmly settled in their opinions. But it was desirable, it was said, to inform the public mind, which it was alleged was in a rude state; and therefore only by reiterated discussion and repeated information could the rust of prejudice be rubbed away; only after years of debate could they expect to bring the public mind to a sound state of opinion. But it was not so. The public on this, and on all such subjects, was in advance of the House, and wanted no argument to enforce the necessity of a change. The public mind was made up on this subject, as many Members—and perhaps that was the reason why they were absent—could testify if they called to mind the lectures they had received upon the hustings in respect to their conduct when this question was discussed before; or if they remembered the pledges and promises which they made, and which perhaps they would be induced to recall before they came to a decision upon it again; at all events, he would give them an opportunity to do so. He wished first of all to direct his attention to the Government, who were opposed to the motion. About ten o'clock, the House would be filled with Members, and it was well known the noble Lord opposite was panting for an opportunity to state the reasons upon which the Government was opposed to this motion, and to appear as a new actor on this subject at least; and the noble Lord was no doubt well prepared to point his sarcasm at him. He could recollect how indignant the noble Lord was when he entered the House on a former occasion, just after his too-liberal friend, Lord Althorp, had conceded the principle of his motion. The noble Lord then got up and stated, that as his noble Friend, with his usual and distinguished courtesy, had done, it was not for him to divide the Cabinet, and therefore he reluctantly consented to pursue the same course; but if ever the question should again come before the House—if ever the hon. Member (Mr. D. W. Harvey) should have the rashness to bring it forward, if he survived the discussion it would be more than he might expect. There were some new Members in the House, though he confessed he did not see many of them present; but since new Members were generally returned on account of their superior intelligence, they did not want instruction. However, for the sake of some individuals who might not have condescended to give their time and attention to this subject, he must for a few minutes press the object of his motion upon the particular attention of the House. That object he had already stated was to obtain a revision of a list of pensions which appeared in a certain return upon the records of the House. The pensioners were 1,303 in number. As he knew that sometimes expressions were consecrated and rendered lasting by being used by persons of high station, while they would be considered as almost vulgar in the mouths of plebeians, he might perhaps be allowed to use the appropriate language of a noble Lord whom he did not see in his place, and who in describing these pensioners said, "I have not risen to defend these he-pensioners, and she-pensioners, whom I find in this list." There were 1,303 persons whom the noble Lord had characterized as he and she pensioners. Of these 1,303 pensioners, 281 were persons of title, that was, he and she persons of title. They were in the receipt of something like 150,000*l.* a-year, which sum was divided amongst them. Now, he was quite aware that the Chancellor of the Exchequer would say, "What is 150,000*l.* a-year? I shall in a few days open my budget, which will present you with an account of receipts and disbursements to the amount of 50,000,000*l.* a-year. Now how absurd it is to talk of saving such a trifle as that is, contrasted with the magnitude of the annual revenue!" Yet he had often heard the right hon. Gentleman, when battling with the adversaries of the Government, bring forward a long catalogue of savings which had been made by that rigid economy which ever and anon he had exercised. The right hon. Gentlemen opposite were constantly declaring, that the Government was founded upon the principles of reform and retrenchment, to the exclusion of all corruption and extravagance; and that it stood upon public principle, and public principle alone. But let it be examined whether, in point of fact, even according to their own showing this 150,000*l.* was so contemptible a sum as scarcely to be worth saving. At no very distant period, when pressing on the House the claims of the Government to public gratitude for the extreme economy which they had pursued, the right hon. Gentleman recounted the reductions which had been made. "See what we have done!" said he. "We have taken off 14,682*l.* from madder; 4,641*l.* from wax; 6,328*l.* from skins; but, not stopping there, we took 827*l.* from prunes, and 376*l.* from grapes; and then pushing our economy to the utmost stretch, we made a further reduction of 361*l.* on dried apples." He did not find fault with their economy, but since they had shown so much disposition to economize upon this small scale, this 150,000*l.* should be esteemed by them as a perfect Godsend. There were a great many and very different kinds of opponents arrayed against the present motion. First, there were the prerogative politicians, not very numerous just now he believed, who up to the year 1828 had successfully maintained the uncontrollable and irresponsible right of the King to do what he pleased with the Civil List, and that it was highly contumacious in the people to dispute his prerogative to dispose of the public money in any way he thought fit; that his Majesty had a sort of intuitive or inspired knowledge of all fit and proper objects of charity, and that it was little short of treason to dispute his high authority in all such matters. Now, so long as the Crown had been in possession of great territorial revenues out of which to bestow these charitable pensions, both parties, Whig and Tory, had allowed this system of plunder, in the profits of which they participated, to be carried on, until at last the Crown came to dispose of an amount of revenue in pensions which would be sufficient to maintain all the institutions of the country in times of the greatest munificence, or even extravagance. And it was not until the Crown seemed likely to advance the same right to all the money in the country as it had to the lands, that a new course was adopted, when Mr. Burke, in his strenuous and laudable efforts to enforce economy, made a great and successful attempt to place a limit to Royal extravagance. It was then that the Crown was restricted in charging pensions on the public resources to a sum of 195,000*l.* for England, Scotland, and Ireland. Now, it must be remembered, that as the Crown had possessed a right to grant a larger sum in pensions, a Bill was passed at the period to which he referred, for the purpose of preventing the Crown from granting any other annuities until the amount of pensions for England, Scotland, and Ireland was brought within the limits prescribed by this Bill. Without entering into any account of the occurrences which took place with respect to these pensions (not only because he had not an inclination, but because his strength would not allow him to do so) during the interesting interval from the passing of the measure to which I have referred, to the year 1830, when King William 4th came to the throne of these realms. To that memorable period, and to the circumstances which occurred then and since, he invited the attention of the House, as affording a ground for acceding to his motion. At that period, then, the Duke of Wellington was Prime Minister, and as such it became his duty to submit what was called the Civil List to that House. He did so, being represented by the right hon. Gentleman who sat near him (Mr. Goulburn) who was then Chancellor of the Exchequer. He should confine himself to that part of the proposal which related to pensions. It was proposed by the then Government, that pensions should remain at the sum to which they amounted at the time of the accession, being, as he believed, 143,000*l.* The present Government, then in opposition, were up in arms against the extravagance of the proposed Civil List. They analyzed it—they pulverized it—they proscribed them for their extravagance, and held themselves out as the friends of economy. What did the hon. Member for Dundee (Sir H. Parnell) then propose? He moved for a Committee to inquire into the component parts of the Civil List. That motion was, he believed, supported by every Member of his Majesty's present Government, and most strenuously by the late Chancellor of the Exchequer, now Earl Spencer. The result was, that the Government of that day was overthrown in a House much fuller than the present, there being a majority against them of twenty-nine. There certainly was not in that Government that feline tenacity to political existence, which so eminently characterized the present Government. The moment there was a majority of twenty-nine against them, like some sagacious animal, they appeared to discern the visitation which was in store for them, and out they walked. The present Government appeared to him to be in their nature something very like a tough beefsteak, they required an uncommon deal of beating, and even, then, he doubted whether they would be found to be very tender. However, the motion for a Committee was carried, and a Report came from that Committee. Without going into the features of that Report, as regarded various other considerations, he would observe that one fact ascertained by it was, that the sum total exceeded that required by the predecessors of the then Government by a sum of 12,000*l.*; and in order to show that they were fully entitled to the designation of a "liberal" Government, they made a present of this sum to the King, to meet what were termed "little contingencies." He remembered that his hon. Friend, the Member for Middlesex, proposed an amendment to that proposition; but in that good-humoured spirit of concession for which he was remarkable, and from his anxiety to serve the Government to which he gave his powerful support, he consented to withdraw it. He should not, as he had said, allude to the other portions of the Report of the Committee, but content himself with dwelling on that part of it which related to pensions, as useful, amongst other purposes, for showing those who delighted in metaphysical investigations, how it was, that the human mind adapted itself with the most marvellous velocity to instantaneous changes, and how it was able, without any appearance of restlessness or uneasiness, to adopt the most direct contrarieties in opinion. Now, he considered it not unnecessary to state, that in the King's Speech which was delivered to the House at the period when the Duke of Wellington was in office, his Majesty was made say, in his Speech from the Throne, that he was ready to give up entirely the hereditary revenues to which he was entitled, meaning by that statement the droits of the Admiralty, and the four and a-half per cents. It was at that time that an individual Member of that House, who was then not so obscure as he was now (he meant the late Lord Chancellor) got up in his place, and asserted that the concession made by the Crown should be understood as not merely referring to the droits of Admiralty and the four and a-half per cents, but that it should be taken as also including the revenues derived from the duchies of Cornwall and Lancaster; and when the right hon. Baronet, the Member for Tamworth, repudiated that interpretation, the noble Lord to whom he referred, insisted that he was perfectly right, and in that declaration of opinion he was supported by many of his subsequent colleagues. This, be it remembered, took place whilst they were in opposition, but as soon as they came into power they unhesitatingly declared that it was the intention of his Majesty to give up only two or three things which were worth little or nothing. However, out came the Report, and as it was not his intention to take a general review of the Civil List, let the House look to what the Report contained with respect to pensions. The hon. Member read an extract from the Report, to the effect, that the Committee could not conceal from themselves that the subject of pensions was one of great difficulty and importance, and that an interference with these pensions would disturb family settlements into which parties had entered, relying on the permanency of these grants — cause severe distress, and, in many cases, gross injustice. Now, with all these topics they must have been acquainted, so far as they regarded a matter of principle, when they were in opposition. To say that, if pensions were alienated or taken away, it would create distress—that to make such a change would be to act with harshness, or even, perhaps, injustice: all these were general inferences from acknowledged premises, which it required no Select Committee to report upon. But they said they must set their faces against a proposition for disturbing pensions which were granted by the predecessor of his present Majesty. Why, if that were so, this recommendation of the Committee came too late, because the same case would be constantly occurring, and if a succession took place to-morrow, the same argument could be renewed, namely, that any change in the distribution of pensions would disturb family arrangements and inflict inconvenience. In point of fact this assertion went to establish a perpetuity of all existing pensions. His Majesty's Ministers should recollect that it was the struggle which then took place on this question which secured to them the popular approbation, and placed them in the situation of the Government which they succeeded. It was well known that when the Civil List was brought before the House, several attempts were made to call the attention of the House to the subject of pensions, but the then Chancellor of the Exchequer contended (and very properly) that the House ought to consent to grant some small amount of arrears which had accrued from the period of the demise of the former Crown to that of the accession of his present Majesty, leaving the question of the propriety or injustice of continuing those pensions to be subsequently considered. It was quite understood that Lord Althorp thought that no person's opinion on the subject of pensions was compromised by acceding to that grant. On the contrary, he remembered that his hon. Friend, the Member for Worcester, on more occasions than one, pointed out, with great facility of argument and felicity of illustration, that this interpretation of Lord Althorp's sentiments was correct, and that there were pensions on the list which Lord Althorp was ashamed of, and was persuaded ought not to continue. Well, then, what were they called on to do then and now? To continue persons on the list whose names ought never to have been inserted on it, and which got there (as declared by Lord Grey) "God knows how." And yet this was the Government which was said to be based on principles of economy, and which strenuously and unconditionally condemned every thing like corruption. Well, then, so stood the state of things at the present moment. He should now endeavour, so far as he could, to notice two or three points which were mainly relied upon by those opposed to this motion on former occasions. And here he might be allowed to remark, that though this was the third time that he submitted a motion of this description to Parliament he never before had made his appearance under such favorable auspices. It would be remembered that at the present moment the country was in a state of profound tranquillity; there was no fearful agitation of any question either here or elsewhere, and no great measure of reform was dependent upon the continuance of the present Ministers in office. On the first occasion that he brought this question forward he was met by a remonstrance to this effect: "It is very true you have got justice on your side; there is scarcely one of these pensioners that ought not at once to be struck off the list; to resist your motion on principle is impossible; but you must concede in all human affairs something. Something must be allowed in favour of those who succeeded in turning out of office the great champions and abettors of the system. And now that a day is to be opened on you which promises almost boundless benefits, through the instrumentality of these Ministers, you ought not to screw them too tight; the truth is, they have entered into certain engagements, which though not defensible in themselves, are not of sufficient moment to hazard the continuance of such blessings, either by distracting the public mind, or dividing the friends of reform on questions of this kind." Well, notwithstanding these suggestions and remonstrances, and the cogency of the reasoning on which they were grounded, he proposed the motion, and it was rejected only by a majority of six. He should be well pleased if, on this occasion, he could convert that majority into one in his favour. He was not deterred by his first failure. No one who knew anything of Parliamentary tactics (and none were better acquainted with the science than his Majesty's Ministers) could expect that he should be. Again the contest came to be fought, and to the charge he again came. But then he found that the terrors were augmented; the prospects of improvement and reform were still wider than before; and the friends of the Government gave out that any proposition, for peculiar reasons, which could not then be stated, could not receive their support, but said some of them, "I tell you candidly, that if the Ministers be left in a minority, you will be considered as enabling the Tories to return to power." Well, this was enough to frighten any body, and nothing but the rigid nerve of independence could have withstood it. However, he faced the danger, and had a very respectable minority; but the many succeeded in prolonging the existence of these pensions. Now he stated before, that he should call the attention of the House to two or three leading grounds taken in opposition to this motion. Perhaps it would be fair to notice one, which was more prominent than the rest, and which had been relied on by many hon. Members, who, he believed, were as much opposed to the preservation of these pensions as Lord Grey, Lord Althorp, or any other noble Lord. It was, that they felt themselves bound to abide by what had been whispered to be an engagement entered into by his Majesty and his Ministers which could not now be violated with justice. Well, be it so. Why, they had often had motions for the production of minutes of Council and orders in Council. Now, was the Government prepared to say that it was irresponsible, and that it could prevent Parliament from demanding further and necessary reforms by the promulgation of a whispered agreement? Why not have the evidence of an agreement which though this House may not in the first instance be prepared to sanction, they might now consider it expedient to observe? But if this House did not insist on knowing the particulars and nature of this agreement, the difficulty which was now set forth, as opposing the settlement of this question, would never cease. Let them see what was the contract into which the Government had entered; and if it be binding on them, he was disposed to think it ought to be binding on Parliament; but before he arrived at that conclusion, it was essential to know what was the nature of this contract, who were the parties to it, who were to benefit by it, and what were its conditions. He did not believe there was such a contract. First of all, see what a libel was pronounced on the Crown by those who stated the existence of this contract. What was its nature? Here was a list of pensioners—some of considerable antiquity—who have been in receipt of the sums paid them for half a century, three hundred with titles and others of an obscurity which prevented anything being known of them; and it was proposed that those should be continued, and made the receivers of the public money, without any inquiry into the propriety of the original grant or the justice of their continuance. Now if that were the case, it was impossible that the contract could be a just one; for those who entered into a contract which was to bind third parties, ought to be disinterested. He cleared the King from being a party to a contract which could only be considered as a corrupt engagement, and which would imply on the part of his Majesty reasoning of this description: "'Tis true there are persons on that list who are closely connected with myself, and who never should have been placed there; but I am determined that these individuals shall continue to live upon the public bounty." Such an imputation was a libel on the royal mind and authority. The next ground was one which was very generally taken—namely, that these persons were in very indigent circumstances, and that to dispossess them of these little payments would lead to great inconvenience, if not positive injustice. Well, be it so. The terms of the motion met these particular cases. He proposed an inquiry into pensions, with a view to what? First, to ascertain whether the original grants were justified by circumstances, and next, whether there would be any injustice in now resolving on their discontinuance. Did they want any other protection but this? Now look at that list. He asked any hon. Gentleman who read it (and no doubt it had been read by many), to run his eye over its pages, and taking the interpretation as the sole ground upon which pensions could be justified, which was set forth in the amendment moved by the Members of the present Government on a former occasion, namely, that no pension could be defended unless on the ground of merit or service to the community, to say, whether even by any over-strained construction, these pensions would stand that test? He defied his Majesty's Ministers to point out ten men on that list, of whom it could be said, "Here are men who have distinguished themselves in the field, who have braved the dangers of the siege, or who devoted their whole time to what the vulgar would call a profitable employment, but what must be regarded by every reflecting mind as scientific investigation, which would be the means of conferring benefit on their country, and making its power felt in the remotest part of the earth." [*Hear, hear.*] He was very glad of that cheer from the right honourable Gentleman, the Chancellor of the Exchequer, for he took it as an intimation that ten such individuals could be found. He should be glad to find, that there were so many deserving pensioners, for, by getting rid of the others, who were not deserving, we could afford to be more liberal to those who were. If the right hon. Gentleman would point out those who had merited pensions, he would redeem the credit of the Government, by getting rid of those who had no other security for the virtue they had lost fifty years ago—many of them having obtained their pensions by great political profligacy or gross personal viciousness. He called on those who had friends on the list to rescue them from the disgrace of being placed in juxta position with some whose acts it would be impossible to scan without disgust. He would not go into any detail as to the names of many of those, as he had done, before experience had taught him the impolicy of that course, for he saw that it had lost him some votes on former occasions. One hon. Member, on whose support he had calculated, because he had promised to vote with him, met him in the House and said, "I am sorry, Mr. Harvey, that I cannot vote for you, as I had intended; I came down here for the purpose, and left my dinner; I heard your argument, which appeared to me quite convincing as to the question of the Pension List generally; but, then, in the course of your speech you mentioned the name of an old friend of mine as being on the list, as fine hearted a fellow as ever lived, one whom I constantly meet at the clubs, and who I believe has nothing to live on but his pension. On this account I cannot vote for you." He (Mr. Harvey) had, he believed, also lost considerably by mentioning the names of several old ladies. One Member objected to the name of one lady being mentioned, as she was an acquaintance, or the relation of an acquaintance of his; and another objected to his mentioning the name of another; and though he was not aware of it at the time, he now believed, that he had swelled the majority against his motion considerably, by throwing in the old women. He would avoid a similar error on this occasion, by leaving out the old ladies, and he could assure hon. Gentlemen opposite, that he would not touch one of them. But though he would not mention any by name, he would allude to a few who, perhaps, might be guessed at inferentially. He might here mention, that since he had brought forward this subject first, he had received upwards of 600 letters from every part of the country, giving him information as to the history of numbers of those whose names stood on the Pension List, detailing such instances of gross profligacy and personal vice, that he was sure, if hon. Gentlemen opposite knew but a small portion of it, they would sooner leave the seats they now occupied than support them on the list. But again he would ask, suppose there was a contract, direct or implied, to continue this Pension List on the accession of the present King—who made it? It could not have been made by the present Government. The present Government, as all the world knew, was one of sublimated purity—all the rotten parts had been completely removed from it. It was altogether the Government of the people. It was the object of their choice. It was that Government, which, when from some cause, to which he need not advert, it was removed for a short time from the seat of power, was rolled back again by the tide of popular favour, till the House itself was nearly deluged by it. The present was the Government of the popular will, and he believed they had no other will in their favour. Surely such a Government could not be parties to such a contract, who, when their leader came with his discharge in his pocket, said that they would be glad to return to office at the same wages that he had; that they were all smaller than their leader, and would be glad to put on the same livery. I say, then, (continued the hon. Member) the contract, if it does exist, cannot be yours (the present Ministers). You are that party in the country, supported by the popular feeling, before which even monarchs might quail. You may be kept in office as long as you will, but if you desire to remain—if you wish the continuance of popular favour, you cannot support such a list as this. There is no danger of the Government being turned out by the people, though I admit, that I have heard of danger from other quarters. If, however, the contract was made by the present Ministers, that the Pension List should be continued, it must have been on the condition, that they were to be continued in office; but they might turn round and say, "that having been dismissed from office, the condition of the contract was broken, and the whole fell to the ground." Whether that were the case or not, he would not then stop to inquire. He would now call the attention of the House to some of the names on the list. Amongst others he found that of a Baronet, a very active Magistrate, residing in a populous town, before whom cases of every kind were brought, and, amongst others, cases under the Poor Law Amendment Act. Some time ago the case of a poor woman was brought under the notice of this Gentleman. The crime of which she was accused, and for which she was about to be committed to gaol, was, that she was unable to support her own children. Now, if that poor woman could know the circumstances in which her judge stood, as a pensioner on the public bounty, might she not naturally say to him, "It is you, and such as you, who are supported by the plunder of the public, who prevent me from being enabled to support my children!" The fact of a committal of this kind being known, and being ordered by the warrant of one who, but for the misplaced application of the public money, would be himself in a somewhat similar situation, must tend greatly to render the administration of the law very questionable in the eyes of the people. But they were told that the public ought not to object to the payment of such pensions as were found on this list, as they had been granted by the Sovereign, because, with a liberality and condescension unexampled in any of his predecessors, his Majesty had given up to the public his hereditary revenues. Now these, as he had before observed, consisted of the four and a-half per cent duties and the droits of the Admiralty. He would speak first of the droits. He believed it would not be disputed, that, by the Royal prerogative, the King claimed and received certain droits, which produced a very considerable income in time of war. We were now, it was true, at peace, which greatly diminished the produce of the Admiralty droits; but we might be again at war. However, with such an able Foreign Secretary as we had now the good fortune to possess, the chances of having our peace disturbed were very remote indeed; with his great abilities directing our foreign relations, we might reasonably hope for a long duration of peace—unless, indeed, the motion of the hon. Member for Oxford (Mr. Maclean) should elicit something from the noble Lord calculated to disturb our present tranquillity. But if we should remain at peace, the amounts of the droits of Admiralty would be very inconsiderable. He found in a Return which had been laid before the House, of the receipts and disbursements of those droits; they did not exceed, of late years, 2,000*l.* a-year—for the receipt and care of which the receiver, Sir George Frederick Hampson, received 400*l.* a-year, for self and clerk. It appeared, that in the November of 1830, this gentleman had a balance in hand of 8,000*l.* Now, after the speech of his Majesty in 1830, in which he declared his gracious intention of making over those droits to the public, it might have been expected that the whole of that balance would have been at once paid in to the public Exchequer. This, however, it would be found was not the case. By the return which he held in his hand, and which was up to September, 1831, this balance was stated to amount to 8,000*l.* But what was done with it? 6,000*l.* of it was paid under a warrant, signed by his

Majesty, to Sir Henry Wheatley, the keeper of his Privy Purse, and only the difference between that sum and the 8,000*l*. was paid over to the Exchequer. Was ever such a monstrous imposition practised upon Parliament as thus, on the one hand, to say, that his Majesty, out of his most gracious condescension — his fathomless liberality — had given up the droits of the Admiralty, when the sum which, by that Return, appeared to have been relinquished did not exceed 2,000*l*.? Looking at it with the eyes of common sense, and regarding it as one of the people, he should say, that all the benefit the people derived from the proceeding was the pleasure of being amused with magnificent promises, and of seeing fifteen shillings in the pound of what had been promised to them, applied to the private purposes of the Crown. It was nugatory to talk of liberality in such a case as that; wherein did it consist? It was well known that these droits of the Admiralty amounted to exceedingly little in time of peace, and to those who paid the least attention to public affairs in this country, it must be equally well known that there would have been very little chance of their being placed at the disposal of Parliament in time of war. Had the amount been large, a syllable respecting the droits of the Admiralty would never have been mentioned. That they were exceedingly profitable in time of war might be collected from what was said of a gentleman against whom he had stood a contest, that to him (Mr. Harvey) might have been regarded as a destructive contest—that gentleman, Mr. Thornton, held a situation connected with the said droits, which, though it might not produce him much during the peace, had been worth 14,000*l*. or 15,000*l*. a-year in the war. But in those delightful times there was nothing of the sort ever mentioned—not a word of the sort ever breathed; it was not till the matter became a nonentity that the idea of handing it over to the people was ever entertained; and for this they were called on to be deeply thankful—they were called on to testify their profound gratitude for the sum of 1,000*l*. a-year! He wondered that no day of thanksgiving was appointed for the occasion. He now came to another subject — the four-and-a-half per cents; that was another Godsend to the untaxed people of this country. He found by a Return dated in 1831, that the four-and-a-half per cent duties produced a sum of 20,890*l*. He would presently call attention to the appropriation of these duties; but he would previously observe, that they were a species of revenue, the nature of which was not generally understood. He doubted if the House were acquainted with their nature—he felt assured that the country did not know what they were. In consequence, then, of the want of accurate definition, an air of magnificence was cast around them, particularly calculated to lead to misapprehension. Now, what were they? When the present Administration formed his Majesty's Opposition, they very well understood what was meant by the four-and-a half per cents. A Gentleman who had long been connected with them as a Member of their party, Mr. Creevy, had, with all the power which belonged to his bitter and peculiar style, made those four-and-a half per cents, exceedingly familiar to the noble Lords and right hon. Gentlemen now on the other side of the House. The charge called the four-and-a-half per cents, was laid originally on the Leeward Islands for the purpose of enabling their Governments to maintain in a state of good repair and condition the batteries and public edifices on those islands. This expense having been, for a time, defrayed out of those funds, the Crown at length appropriated, first a part, and then the whole, to its own use. But he returned and asked what those duties were? They were not payments in money, but in the case of their being sugar, for example, there was a deduction of four hogsheads and-a-half from every hundred hogsheads imported, and a similar deduction from the quantity of rum or other dead goods. When they arrived here, they reached their money value, and were converted into cash immediately. The establishment of this charge was made at a remote period, so far back as in the year 1663, and for a long time past they had been conferred on objects of the royal bounty, the sugar being given to the old gentlemen, and the rum, more appropriately, to the old ladies. Indeed, so popular became the rum among ladies, and so frequently did the royal munificence anticipate the hogsheads of sugar and rum, that when sold they did not make up the amount of the duties charged upon them, and to supply the deficiency, the Government was obliged to suffer their importation duty free, urging with all that plausibility which a seat upon a Treasury Bench so invariably imparted to its occupant, that as the hogsheads were sent to the City for the royal convenience, they ought to be passed free through the Custom-house. But even this did not suffice. Every penny of the sum gained was swallowed up; nothing was left. The old ladies sucked at the bunghole until not a drop of the rum was left, and the consequence was, that at the time his Majesty assigned over his interest in these duties to the people, every fraction of them was mortgaged in pensions. The first name in the list was that of a Whig; indeed, he would do that party the justice to say, that they were ever the first to take care of themselves. Lord Auckland got the first hogshead, then came Mrs. Bass, Lady Dawson, Mrs. Despard, the five Misses Clarence, Lord Farnborough, the Countess of Mansfield, &c., and the list went through forty names, of which thirty-eight were those of titled individuals. Among other hogshead receivers were the five Miss Fitzclarences and her Royal Highness the Duchess of Gloucester. Do not let it be said, that this money had been appropriated to meet the claims of persons who had earned the gratitude of their country by their services, and whose necessities had obliged them to resort to whatever funds might be applicable to the rewarding of deserving objects. All these pensions still existed, except two —those two parties being no longer able to hold them, because death had taken hold of them. He was told that Lord Farnborough had given up his pension, that was a rare occurrence. In addition to these pensions, there were salaries amounting to 13,836*l.*; so that, what with salaries and what with pensions, the charges on the four-and-a-half per cent duties considerably exceeded 30,000*l.* a-year; whilst the Chancellor of the Exchequer on a former occasion, estimated the receipts arising from these duties at 25,000*l.* a-year. How the matter stood he knew not—probably, from the improved state of these islands, they might have become a fruitful source of revenue. But he was speaking of the amount at the time of the surrender of the four-and-a-half per cents by the Crown, in 1830; and he did say, that it was a perfect delusion to hold out to the country, that more than an equivalent had been granted by the Crown to the people for the continuance of these pensions. He was aware it had been said, that two or three other concessions were made at that time; but they amounted to a very few hundred pounds, and were not worthy of being mentioned. There was one other subject to which he now wished to call the attention of the House. He was in several quarters ridiculed for bringing forward this subject again, and was repeatedly asked why, unless he had anything new to say upon it, he intruded it upon the House. Well, he had something new to say upon it. He contended that all the arguments used by the opponents of his motion in the last Session of Parliament, fell to the ground when the position in which the country was now placed was looked to. Upon the discussion of the Irish Municipal Bill, or rather of the amendment moved before going into Committee upon it, the right hon. Baronet the Member for Tamworth, whom he was happy then to see in his place, observed, that the object of that amendment was to do justice to Ireland; that it was necessary both countries should have equal laws, and that no distinction of any kind should be suffered to exist; and the right hon. Baronet wound up a lengthy speech by saying, "Let us convince the people of that misgoverned country that we are to be one community, citizens of the same monarchy, and let them feel that there is but one law, and that a good one, for the rich and poor." Let the House adopt this argument in the case of the Pension List. He called upon hon. Members to consider themselves not merely Members of the House of Commons but Poor-law Commissioners. He would say of the Pension List, let a Commission be appointed to look into this disgusting State work-house. [*Cheers, with expressions of dissent.*] He found, as he expected, that his argument was not very palatable to some hon. Members, for, in fact, he had previously been told that certain parties who usually supported Ministers would be sure to crush him, with the aid of the Tories. This, however, he utterly disregarded, and he should fearlessly go on to discharge his duty. The Poor-law Bill was one of the greatest changes ever attempted by any Legislature, and its good working mainly depended upon its being considered by the class to whom it related as a measure of justice. The principle of the Bill was, that every man was bound to use his personal efforts and exertions for his own support. If that were not the case, would it not have been quite absurd to send Commissioners from one place to another to see if any poor aged matron could be found who obtained relief, and who might be deprived of it? But the peasantry of England would never suffer their mothers or wives to be deprived of those little comforts to which they had always been accustomed. Would it not be monstrous were they to do so, while they beheld upon this list not less than 1,100 paupers, 300 of whom were connected with titled personages? What, he asked, would be more rational than for the poorer classes of the country to stand out, and say—until this abominable Pension List is destroyed, we will not submit to your law, because it is against the law of nature! Was the poor-law relief and the pension-list relief guided by the same principle? No. There were Commissioners to inquire into the character and claims of any person applying for relief under the Poor-law Bill, while interest alone was the test of fitness for the Pension List. He did not wish to be either invidious or personal; but he saw around him in that House many whose relations figured upon that list, although they themselves wanted alone the disposition to support them. Was it not, he asked, disgraceful to the character of a British noble to have his relations living on the hardly-procured earnings of the working classes, while he was himself rolling in wealth. The hon. Member next read an extract from the Report of the Poor Law Commissioners, which stated that the principle they acted upon was, to inquire into the circumstances of all persons who applied for relief. He would ask, was this done with regard to the parties on the Pension List? Was it not a well-known fact that, under the Poor Law Act, many persons were refused parochial relief solely in consequence of the ability of their relations to support them? What was meant when they heard persons talk of the chivalry of the British nobleman—of the elegance and splendour in his dwelling— of all the arts and refinements connected with his establishment? What was meant by everything they heard about moral dignity when they found that he left the members of his closest kindred to exist as beggars upon the public bounty. Grant him but a Committee, and he would prove, that there were more than 500 persons upon the Pension List whose relations were in every way competent to support them. Why should not the law apply equally to the strong bodied Peer and the strong bodied labourer. He saw upon the list before him the names of three or four Peers, ten times stronger in body than he was, and who never had, and never could do, half the good he had done. Why was it that he, whom the associates of those Peers had sought to deprive of bread, by suffering an oligarchical tribunal to keep him from his profession? why was it, he asked, that he should be made to support those pauper beggars? It drove one almost mad to ask the question. Such, indeed, was the effect of this injustice upon his mind, that if 100,000 men were to assemble on Blackheath to resist this disgraceful imposition he would join them. Before sitting down he would venture to call upon all classes of men, representing the various orders of society, to give their support to his motion. To the military men by whom he was surrounded, and who, perhaps, seeing in the list the name of the widow or orphan of some beloved brother in arms, felt indisposed to touch it, he would say, "join with me and rescue those for whom you are interested from the degradation of being associated with those who possess no claim whatever upon the public bounty." To those who represented the literary order of society he said the same. No one was more willing than he that those who deserved well of their country, in whatever position in life they had been placed, should be rewarded; but while the Pension List was in its present state, he felt surprised that any individual of character, however pressing his necessity, could consent to be placed upon it. To persons eminently distinguished in literature, and who might happen to be upon the list, such as Professor Airy for instance, he would say, "quit, instantly quit, the foul association." It was as if a piece of fine silk were joined to a filthy coat. The Pension List was of a two-fold character. A sum of 75,000*l.* was placed upon the Civil List, and the remainder was charged upon the Consolidated Fund. That portion which was upon the Civil List, might be regarded as a perpetuity. Now, he maintained, that if a great part of the whole amount were taken away, it would not be to deprive the Monarch of anything which he ought to possess; but, on the contrary, he would be enabled by it to do good to those who were really deserving of his bounty. He did not know if there was any peculiar tenacity of life among those who were on the Pension List, but it was certain that they fell off very slowly. He protested against the principle of having upon that list five children of the King of England, who had at his command so much wealth and all the luxuries of life. This was a monstrous insult to the people of England. The highest law officer of the Crown had stated on a former occasion, that the King had given up the revenues of the Duchies of Cornwall and Lancaster, upon condition of the Pension List being left untouched during his reign. But his Majesty, though not in possession of the revenues, still enjoyed the patronage derived from his Crown property. It was only very recently that an individual had to pay a sum of 70,000*l.* for the renewal of a lease. Now, he should like to know to whom did that money go? Did it go to the Crown? It was such things as that which sickened the heart of the poor, and excited within them feelings of discontent. There was a deep sentiment of hostility pervading the bosoms of the poor, caused by such injustice. He called upon the House by its line of justice to accede to his motion. He had now only to say in conclusion, that in offering the present motion to the House, he left it to hon. Members to deal with it entirely as they thought fit, while he trusted, that they would not fail to do justice to its merits. The hon. Member concluded by moving for "a Select Committee to revise each pension specified in a return ordered to be printed on the 28th of June, 1835; with a view to ascertain whether the continued payment thereof is justified by the circumstances of the original grant, or the condition of the parties receiving the same, and to report thereon to the House."

Lord *John Russell:* The hon. and learned Gentleman had commenced his speech by lamenting the thinness of the House at the moment of his rising, as compared with what it had been a short time previous; and from that circumstance had seemed to infer a culpable remissness on the part of Members, in not being present to attend to his arguments for the setting aside the verdict which the former Parliament recorded upon the same subject. He did not think the hon. and learned Member was at all justified in casting such an imputation. The House of Commons had more than once heard the statement which the hon. and learned Gentleman had to make in support of his proposition, and had already come to a decision that it would not enter on the dangerous course which that proposition recommended. He might ask, too, whether, upon this question, the country, generally, had not altered their opinion? It was a question upon which formerly great popular excitement prevailed; but he did not hesitate to say, that the feeling of the public had undergone on this point, a very great change. If he were called upon for proof of such being the fact, he thought he might, with confidence, refer to the Report of the Committee on Public Petitions. When he came to examine the Table of the House, he could find only two petitions for the revision of the Pension-list; one from the parish of St. Mary, Newington, the other from a parish in Ipswich. Nor were those petitions signed by 30,000 or 40,000 names, as was usual with reference to subjects on which a great popular interest was felt; on the contrary, they were remarkable for the paucity of their signatures. Nor was that all. One of them in its prayer did not exactly support the object of the hon. and learned Gentleman's present motion. That motion, let it be observed, was not couched in the terms of the notice given by the hon. and learned Member on the 17th of March. The notice given by the hon. and learned Member on the 17th of March, was for the appointment of a Select Committee "to revise all Pensions and Sinecures charged upon any fund under the control of Parliament, with a view to ascertain whether the continued payment thereof was justified by the circumstances of the original grants, or the condition of the parties now receiving the same." Following the lead which had been thus given by the hon. and learned Gentleman, the petition from St. Mary, Newington, spoke of "the disgust with which the petitioners viewed the existence of sinecures," &c. In his present proposition, however, the hon. and learned Gentleman omitted all mention of sinecures, confining the terms of his motion to pensions. Why had the hon. and learned gentleman made this change? Had he discovered since the period at which he gave his original notice, that there were persons in that House whose support he was desirous of securing—who thought that sinecures were entitled to greater tenderness of treatment than pensions? Was that the reason which had induced the hon. and learned Gentleman to leave out of his motion all allusion to sinecures? The hon. and learned Gentleman had alluded to the manner in which the provisions of the Poor-law Bill might be brought to bear upon those persons that came within the scope of his motion; but would not the Poor-law Bill have told equally against sinecurists as against pensioners? Why, then, had the hon. Gentleman abandoned his motion as it concerned the one, and retained it only with reference to the other? There were many gentlemen who made the Pension-list an object of their political watchfulness, but who did not think it right to disturb the present owners of sinecure offices in their possession of them, and who would not support a motion, if brought forward, containing retrospective provisions. If the hon. and learned Gentleman had framed his motion, to obtain the support, while he charged others with not bringing forward the real motives of their actions, he was himself concealing something from the cognizance of the House, and was not acting with that boldness with which he was accustomed to agitate this subject. But what had been the course which Parliament had invariably pursued with reference to the particular subject which the hon. and learned Gentleman had now brought under the consideration of the House? And what had been the course pursued with reference to it by the political party with which he was especially connected? It was the more necessary to advert to the latter point, as the hon. and learned Gentleman, among many other insinuations, implied that that party had greatly altered its opinions and practice on the subject since they had been seated on the Ministerial side of the House. With respect to the course pursued by Parliament on the subject, he would go back to the uniform course taken since the Revolution; and, if he could show that that course was in direct contradiction to the object which the hon. and learned Gentleman had in view, he thought it would require more than mere declamation to induce the House to depart from what had been its settled and long-continued policy, and to begin a new course altogether. He believed, that at the Revolution, the Civil-list granted to King William included the pensions which had been granted by his immediate predecessors. The same was the case with the Civil-list proposed by Sir Robert Walpole, in 1731, and in the subsequent reign. After the Revolution, therefore, when a change was made in the succession to the Throne, and during the reigns of the subsequent monarchs, the Pension-list granted by Charles 2nd was preserved. When Mr. Burke brought forward his celebrated question respecting Financial Reform, a great excitement was created in the public mind—an excitement similar to that which the question of Parliamentary Reform had lately created. Mr. Burke, as the hon. and learned Gentleman truly observed, exhibited on that occasion extensive views and comprehensive purposes. But did Mr. Burke propose that existing sinecures and pensions should be taken from those by whom they were held? Quite the contrary. On that point, Mr. Burke declared that he did not think it would be wise, that he did not think it would be expedient, that he did not think it would be just, to interfere retrospectively; and that he could not recommend any step inflicting on individuals unmerited hardship and injustice, merely for the purpose of arriving a few years sooner at the object which Parliament had in view. He need not quote the words used by Mr. Burke on that occasion; they had frequently been adduced, and were in the minds of all who heard him. He had a right, also, to conclude from circumstances, that the view which Mr. Fox took of the question was not different from the view of it taken by Mr. Burke. When Lord John Cavendish brought forward his motion in that House respecting the emoluments of the Tellers of the Exchequer, and proposed that those extravagant emoluments should be reduced in time of war, Mr. Fox objected to make the proposed reform a retrospective one; contending that in all measures of reform as wise, broad, and intelligible a principle as possible should be adopted; but that all existing rights ought to be respected, and the operation of the reform confined to the future occupants of the situations in question. The hon. and learned Gentleman had attempted to throw on noble friends of his the imputation of being favourable, when they were in opposition, to the principle of taking away, under certain circumstances, pensions which had been granted by the Crown. For his part, he did not remember a single expression of Lord Grey's, when that noble Lord was in opposition, which favoured any retrospective view, or which evinced any disposition to abandon the principle which had been maintained by Mr. Burke and Mr. Fox; and which had universally prevailed since the Revolution, of not taking away from the existing holders what had been granted to them, but of confining the operation of retrenchment to future grants. When the hon. Member for Middlesex had argued for the propriety of taking the opportunity of settling the Civil-list to examine into the Pension-list, with a view to deprive many of the holders of the pensions which they enjoyed, Lord Spencer was one of the first to oppose the proposition, and to declare that it was unwise, unjust, and inexpedient, and a proposition in the support of which he would take no part. He (Lord John Russell) was, therefore, entitled to say, not only that the whole course of legislation in Parliament; but that the whole course pursued by the political party with which he was connected, whether acting with a majority or a minority, was to except from interference pensions already granted, to make reform prospective, and not to tread on the dangerous ground of depriving existing holders of that which they were accustomed to consider as a right. If such was the general principle on which Parliament had hitherto proceeded, he begged to call attention to the situation of the particular pension list which the hon. and learned Gentleman was desirous of bringing under consideration. This pension-list was reformed, as respected the future, by Mr. Burke's Bill. It was formerly the custom of the Crown to grant pensions, and to cause them to be paid secretly. They were not paid at the Exchequer, and the names of the persons by whom they were received were not known to the public. It was declared, in Mr. Burke's Bill, that this principle of secrecy was dangerous in its character, and that there could be no scruple in disclosing the names of the persons who received the pensions in question on any ground that there was anything dishonourable in such receipt. That was the principle on which, according to Mr. Burke's Bill, the present Pension-list was established. But, according to the hon. and learned Gentleman, neither desert nor distress was a sufficient ground for a pension; for he wished to place the pensions on the footing of the relief afforded by the Poor-law Bill, namely, that if any could work for his livelihood, he should not obtain any such benefit. Now, he must say, that the comparison which had been made between the two cases by the hon. and learned Gentleman, was altogether misplaced. The question with respect to the Poor-law Bill had been, whether any parochial allowance should be made to a person who was able to earn his own living; and the Bill proceeded on the principle that if a man could work, he should be set to work. It was well known that enormous abuses had crept into the administration of the Poor-laws; and the Act which was introduced on the subject was only intended to re-establish the original principle of those laws, and to declare that whoever could work, should not be allowed relief without labour. But was that a principle which could be applied to the Pension-list? Was that a principle which could be applied to such pensions as those granted by the Crown? When a pension was granted by the Crown, to any man of distinguished gallantry, or to any celebrated writer—to such men, for instance, as Sir Sidney Smith and Professor Airey—one to whom the country owed such a debt of gratitude for his gallant naval exploits, the other an individual so well known throughout Europe by the extent of his mathematical and astronomical knowledge, what would be thought if the Commons of Great Britain were to say "No; we declared by the Poor-law Act, that no one who was capable of gaining a livelihood by his own labour should receive assistance; and, therefore, as we do not believe, that the individuals to whom these pensions are granted, are in such desperate circumstances as to be exposed to any danger of starvation, neither the hero nor the philosopher shall receive the benefit intended for him?" A more odious comparison, one less founded in the real nature of things was never attempted to be palmed on a public assembly than that drawn by the hon. Gentleman, between the principle of the Poor-law Act and the principle of the Pension-list. It was well known, that the close of every reign was the time to examine the civil list and the Pension-list as forming a part of it. That had been done at the close of the last reign, and on the proposition of his noble Friend, Lord Spencer, the list was limited to a narrower amount than before. The question, therefore, for the House to determine really was, whether any case had been made out by the hon. and learned Gentleman which should induce the House to break the compact which Parliament had made with his present Majesty at the commencement of his reign. Was the House prepared to set aside that contract? Had any case been made out by the hon. and learned Gentleman which should induce the House to enter on a course, with reference to this subject, inconsistent with the course which had been pursued by every preceding Parliament since the Revolution? The hon. and learned Gentleman boldly asserted, that the great majority of the persons comprehended in the Pension-list had been placed there in consequence either of their political profligacy or of their individual vices. Now it was no business of his to defend the reputation of those persons. With respect to by much the greater portion of the persons comprehended in the Pension-list, he had nothing to do, directly or indirectly, with their being placed there. There had been only two cases in which he had ventured to recommend, that pensions should be granted; and in both those cases the pensions had been totally unsolicited by the individuals on whom they had been conferred. On the death of Sir Walter Scott, he had asked Lord Grey to grant a pension to one of Sir Walter's daughters; and he had last year asked Lord Melbourne to grant a pension to Mr. Thomas Moore, or one of his family. Both belonged to a class which Mr. Burke's Act declared might be justly so rewarded. He had therefore no personal reason for standing up in the defence of those who had been so warmly attacked by the hon. and learned Gentleman. But when the hon. and learned Gentleman declared that they had all entitled themselves to their pensions either by their political profligacy, or by their personal vices, he must say, that he firmly believed that the character thus given of them was most unjust. Undoubtedly, in his opinion, many of the pensions ought not to have been granted. There were persons on the Pension list, who neither by their professional nor by their personal merits could be fairly said to come within the proper scope of such grants. But as to all, or the great majority of them, having been recommended by their political profligacy, or by their private vices, he felt it to be his duty to say, that he entirely disbelieved the assertion. The question, therefore, was, whether the House, on the bare statement of the hon. and learned Gentleman, unsupported by any witness, and unaccompanied by any proof, would be induced to enter into an examination of the Pension-list, and to go through it, name after name, and person after person, n order to hunt out some circumstance which might show that at the time the pension was granted it was not conferred for meritorious services, or that the person on whom it had been conferred was not in circumstances which entitled him to the benefit. Could any proposition be more odious and degrading? Could any proposition be better calculated, by raking up the personal affairs of individuals, to gratify private animosity and malignity? And all was to be done without any object. The hon. and learned Gentleman, at the commencement of his speech, compared the relief which the country would derive from the reduction of the pensions with the relief which would be afforded by an acquiescence in the motion of a noble Lord with reference to agricultural distress. Nothing could be more fallacious. Even if the House could consent to violate the Acts of Parliament on the subject, no retrenchment could be effected that would make it worth while to take such a step. In November, 1830, the whole of the pensions charged on the consolidated fund amounted to 80,262*l.*; on the 1st of January, 1836, the amount was 62,319*l.*; being a reduction of 17,943*l.*; and that reduction had been made without any examination or inquisition into private affairs. In November, 1830, the whole of the pensions charged on the 4½ per cents. amounted to 15,690*l.*; and on the 1st of January, 1836, the amount was 12,634*l.*; being a reduction of 3,056*l.* Such were the large reductions already made; and they had been made, as he had before observed, without private annoyance or injury. Taking the question in another way—if, of pensions charged on the consolidated fund, they took only those above 100*l.*, the amount of which was 45,000*l.*, and excepted those granted before 1810, only 20,000*l.* would come within the purview of the hon. and learned Gentleman's motion. It had been stated to the House by his right hon. Friend (the Chancellor of the Exchequer), that the reduction of taxation within the last three years, as compared with the amount of taxation in 1817, was 4,736,000*l*. Now let the House compare the small amount which could by possibility be deducted from the Pension-list, with the great and mighty reduction of nearly 5,000,000*l*., effected by pursuing the honest and straightforward course of reducing only where they had a right to reduce, and where no expectations had been entertained, and justly entertained, of security from interference. Let that diminution be compared with the small diminution that alone could be hoped for from acquiescing in the hon. and learned Gentleman's petty and unjust proposition. The one had the features of wise, great, and national retrenchment; while the other assumed the appearance of private pique and miserable malice. The honourable and learned Gentleman had adverted to the few words which had fallen from him when the subject had been considered by the House on a former occasion. On that occasion he had stated, that if any inquiry went far back, it would be either nugatory or unjust. He would put the case personally to the hon. and learned Gentleman. It had chanced to the hon. and learned Gentleman when he had sought to obtain a distinction in his profession to be violently opposed. On two occasions the hon. and learned Gentleman had entered into a defence of himself, and had stated why he thought that the accusations which had been preferred against him were most unjust. In both those instances the hon. and learned Gentleman had said, that it was an inquiry in which he was unable fully to meet his opponents, because so long a time had elapsed since the occurrence of the circumstances questioned, that some of the parties for whose evidence he should otherwise call were dead, and some document that would have been most serviceable to him could no longer be obtained. At the same time, let it be recollected, that at the time to which he (Lord John Russell) alluded, the hon. and learned Gentleman was asking for a privilege; he wished to be allowed to act as a Barrister. But what the persons on the Pension-list claimed, was merely to be left in possession of what had been granted them by the Crown, and under an Act of Parliament. Suppose some person were enjoying a pension as the descendant of a near relation to whom it had been granted in the year 1782. If the inquiry moved for by the hon. and learned Gentleman were instituted, might not that person say, "Mr. Pitt is dead; the persons who were cognizant of the transaction at the time are dead; or I should be able to show that the pension was granted on substantial grounds?" Would it not be most unjust and injurious to enter upon such an inquiry so long after the death of those who alone could bear witness to the merits of the case? "No;" said the hon. and learned Gentleman, "such a claim is a good one for me to make. I am entitled to protest against the injustice of being required to prove my case, when my witnesses are dead and I have no means of establishing it. But I have a right to call upon a thousand persons, many of whom are placed in a similar predicament, to prove their cases; notwithstanding their witnesses are dead, and notwithstanding they have no longer the means of proving those cases. I require justice for myself; but I will not apply to them the maxims that I contend are applicable to myself. Feeling on the hon. and learned Member's own principles, that he had not made out a case which ought to induce the House to enter into any inquiry—feeling that no such inquiry had been sanctioned in the whole course of our national history—feeling that no great party in the country had ever adopted the doctrines maintained by the hon. and learned Gentleman — feeling that a bargain had been made by Parliament with the Crown, which the hon. and learned Gentleman proposed to set aside on no adequate ground whatever—feeling that it was proposed to institute an extensive authority into the rights of those who ought in justice to be allowed to enjoy those rights without interference—feeling that the course proposed was unjust in a public point of view, and must be productive of much private mischief and injury, he should decidedly vote against the hon. and learned Gentleman's motion.

Mr. *Angerstein* asked if it was not a principle of the Poor-law Act, that no relief should be granted to any person who had relations in a condition to support him?

Mr. *Hume* thought, that when the noble Lord referred to the injustice of which his hon. Friend (Mr. Harvey) complained—namely, the delay of inquiry until the principal witnesses were dead—he stated one of the strongest reasons that could possibly be adduced in favour of his hon. Friend's motion on the present occasion. The noble

Lord began by stating that his hon. Friend (Mr. Harvey) seemed to have lost some portion of courage, seeing that his original notice stood for an inquiry into pensions and sinecures, whereas, as if frightened at the very name of sinecures, he now limited his motion to an inquiry into pensions alone. When the noble Lord made that statement, he must surely have forgotten, that the House had already directed an inquiry into sinecures, and that it was consequently unnecessary for the hon. Member for Southwark to include that part of the subject in his motion on the present occasion. Of the Committee on sinecures he was a Member, and the hon. Member for London was Chairman, and already their inquiries had been prosecuted to a very considerable extent. What was the result? In the first place the mere appointment of such a Committee satisfied the public mind (which it was idle to deny had been much excited upon the subject), that an attempt at any rate was to be made to do justice, and to draw a line of distinction between the deserving and the undeserving. Already there had been many undeserving persons struck off from the list of sinecures; and if a similar inquiry were instituted with respect to pensions, there could be no doubt but that a like result would follow. Then the noble Lord referred to the little interest that seemed to exist in the public mind upon the subject, and alluded to the circumstance of there having been only two petitions presented to Parliament in favour of an inquiry. The absence of petitions was by no means a sure criterion of the existence of public apathy or indifference. The people felt confidence in the noble Lord, and were satisfied that the Reformed House of Commons would be careful to abolish abuses wherever they were found to exist. This was the reason why so few petitions had been presented upon the subject; but if the public once saw or suspected that the noble Lord was relaxing in his efforts to do justice to all classes—if they once thought that he was disposed to deal out one kind of justice to the poor, and another to the rich—he might depend upon it that the right to petition would not be neglected, as one of the means of making their wishes and feelings known. If the people had not troubled themselves much about the matter of pensions of late, the noble Lord might rest assured that the day of reckoning must still come; and that it would then be well for those who could conscientiously declare that they had done their duty. The noble Lord's objection, therefore, to the motion, on the ground that there had been very few petitions presented in favour of it, appeared to him (Mr. Hume) to be of very trifling importance. The real question was, whether the persons whose names were on the Pension-List had done anything that could give them a claim to receive any portion of the public money. In the year 1834 the noble Lord the Member for South Lancashire candidly and manfully avowed that many of these pensions could not be defended; and a similar avowal was at the same time made by the noble Lord who was then Chancellor of the Exchequer. On the present occasion, the noble Lord (Lord John Russell) seemed to found his objection to the motion principally on two grounds; first, the precedent of former Parliaments, and next the personal pain and inconvenience which might result from the inquiry. Neither of these appeared to him (Mr. Hume) to be sufficient grounds on which to resist the motion. If former Parliaments had been governed by a bad precedent, it was time that a Reformed Parliament should strike out a precedent for itself. And what was the precedent that his hon. Friend the Member for Southwark would have them establish? Not to strike off the list of pensioners any one whom merit or desert had placed there, but simply to remove those who, upon inquiry, should seem to have no claim upon the public purse. Was this a very dangerous or a bad precedent? Was it not rather a precedent which justice required them to lose no time in establishing? It was no argument in favour of the practice, to say that it had existed since the Revolution. If, in corrupt Parliaments, a bad practice had been allowed to continue for 150 years, it only afforded a stronger and more urgent reason why a Reformed Parliament should lose no time in correcting it. The House had partially done its duty by appointing the Committee on Sinecures—let it complete the work so well begun of appointing a similar Committee on Pensions. It was much to be regretted that the noble Lord and his colleagues, who, as the hon. Member for Southwark had justly observed, occupied so high a place in the esteem of the people, should oppose themselves to a motion where inquiry was so obviously necessary as in this matter of pensions. It was no argument in favour of a continuance of the system to say that inquiry might have a retrospective effect. When the Poor-Law Amendment Act was carried, declaring that no poor man should receive parochial relief whilst his relations were able to maintain him, he begged to know whether that was not a retrospective law? Would the House then declare that it had no sympathy for the poor, whilst it was so jealously careful of the welfare of certain old people connected with the Peerage? Were there not mothers of Peers enjoying large pensions paid out of the public funds? Nay, were there not the mothers of several Members of that House deriving large incomes from the same source? It was true that there were some honourable exceptions; and the hon. Member for Southwark forgot to mention that the Duchess of Newcastle had refused her pension of 1,000*l.* a-year. He wished that other titled dames, to the number of some 200 or 300, would follow the same honourable example. He considered it directly at variance with the principle of the new Poor-law Act that they should allow men of large property an annual stipend out of the public funds. Many of those who had not a shilling in the world when their pensions were granted them, had since become wealthy. Why, under these circumstances, did they not come forward and follow the example of Lord Sidmouth and Mr. Marsden, and resign the pensions which had been allotted to them. It was intolerable that persons ranking in the class of society to which most of these pensioners belonged, should be allowed to plunder those who were compelled to work for their daily bread, and who the law declared should receive no relief from a public fund whilst they had a blood relative capable of supporting them. The noble Lord (J. Russell) must have been aware when he alluded to the authority of Mr. Burke, that the course taken by that gentleman upwards of forty years ago, could have no application whatever to the present times. Then the noble Lord said, that there was a compact entered into between his Majesty and the House of Commons, and that it would not become the House to break that compact. There was no pretence for saying that this motion, if agreed to, would lead to any breach of compact. If the inquiry were to proceed, it would not in any way interfere with the King's prerogative. The Civil List would remain, his Majesty would have the same amount of money to dispose of in pensions, and he would be allowed the opportunity (which at present he had not, because the Pension List was filled up by his predecessors) of bestowing his bounty on proper and deserving persons. Thus, in point of fact, the House would only be doing an act of justice to his Majesty. It was the duty of the Commons of England at that moment not to allow a single pound to be appropriated to an unworthy individual. It was time that the Reformed House should begin to repair the faults of former Parliaments. It appeared to him that the noble Lord had not answered one of the arguments advanced by the hon. Member for Southwark, and he held the question of the hon. Gentleman (Mr. Angerstein) opposite to be wholly unanswerable. If that question were not answered — if it were not attempted to be answered, he (Mr. Hume) said there was no man in that House who could conscientiously oppose the motion of the hon. Member for Southwark. If these titled pensioners were to be continued, at least let them be dressed in blue coats and yellow stockings, and decorated with some badge by which they might be known. The unfortunate parish pauper was made to appear in a particular dress in order that he might be recognised as one dependent upon parochial bounty—he knew not why the same practice should not be extended to pauper Peers. At all events inquiry into the subject was what the country had a right to demand, what the people had a right to expect, and that House a right to enforce. He, for one, therefore, should give his decided support to the motion of his hon. Friend the Member for Southwark.

Mr. *Ward* wished to state, as shortly as possible, the grounds on which his vote would be given. He came into the House with as strong a feeling against the Pension-List—against the abuses, the anomalies, and the misapplications, which took place in the expenditure of the public money—as any one of those hon. Gentlemen who sat around him, and he entertained as full a conviction that, as it was the duty, so it should be one of the first acts of a Reformed House of Commons to put an end to the abuses of pensions by revising the whole List. He believed that he was one of those who must plead guilty to the charge brought forward by the hon. Member for Southwark, of having professed those sentiments upon the hustings. He was certain that these were the principles on which he had intended to act, nor was it until after he had had a seat in that House for some time, that he saw the propriety of acting otherwise. He perceived that many men for whose liberality of judgment, and for whose political opinions he entertained the highest respect, differed from him in his view with respect to this question, and felt that Parliament was bound by the compact to which the noble Lord (Lord John Russell) had referred. He had not the honour of a seat in the House when the Civil List was discussed; but he had made it his business most carefully to examine the whole of the debates upon that subject. He had gone through the whole of them carefully, step by step, and if at the time he had a prepossession on his mind it was decidedly against the conclusion to which he ultimately arrived. He might be right, or he might be wrong, but he was bound to state in his place in that House that, after a due consideration of the subject, he did feel as an honest man, that he could not interfere with pensions as they stood on the list at the commencement of the present reign, and after the final accommodation of the Civil List. He felt that they were bound by a compact which they had no right to infringe during the reign of his present Majesty. With the permission of the House, he would state, as shortly as possible, the grounds which induced him to arrive at that conclusion. In the first place he must observe, that he looked upon the whole of the argument which had that night been advanced in the assumed analogy between the Civil List and the new Poor-law Act to be a complete fallacy. He conceived that in this country, governed as it was by a popular and responsible form of Government, it had been the practice from time immemorial to concede to the King, for the time being, the right of granting pensions to such an extent as he should think proper, within the limit of the Civil List. He believed that up to the time of Mr. Burke's motion upon the Civil List, there were no legal bounds to these royal grants—they were supposed to be part of the royal prerogative. Mr. Burke placed bounds to this exercise of the royal prerogative, but he left to the King an irresponsible power of granting pensions within certain specified limits. Now he was not a friend to irresponsible power in any shape, and whilst it was continued to so great an extent he was not surprised at the amount of abuse which had accumulated under it. For those abuses there was but one remedy. All pensions expired with the life of the Sovereign who granted them, and consequently before any new Civil List was voted, it was in the power of Parliament to institute an inquiry. The proper time, then, for instituting such an inquiry as was now moved for was in the year 1830, when his present Majesty ascended the Throne, and it must be in the recollection of every one whom he was addressing, that in the year 1831, the matter was fully and fairly brought under the consideration of the House. They had heard much of the compact which took place at that time between the Government and the Crown. To such a compact as that he should be one of the first to say he was not a party; but to a compact between the House of Commons and the Crown, he felt he was irretrievably bound. The subject was repeatedly under the consideration of the House in 1831. In the first place, there was the motion of the hon. Member for Merthyr Tydvil on the 4th of February, when the hon. Member for Middlesex declared, that the proper and most constitutional time had arrived for the institution of an inquiry into the Pension List, seeing that no person whose name was then upon the list had a legal right to the continuance of his pension. That argument was taken up by many gentlemen who then sat on the same side of the House with the hon. Member for Middlesex. Among others, Mr. Maberley said, that the time had arrived when Parliament had the power of determining whether these payments should be continued or not. This showed that the whole question was fully and fairly brought before the House at that time; and how was it met? Not by any denial of the right of the House of Commons to interfere, but by an offer on the part of the Chancellor of the Exchequer for the time being to meet a suspension of the right of inquiry by an immense reduction of the Pension List. Up to the year 1830, the Pension List had amounted to nearly 200,000*l.* The Duke of Wellington, previous to his retirement, proposed to reduce it to 144,000*l.*; but Lord Althorp, on coming into office, offered to reduce it to 75,000*l.*; but on this specific condition, that all existing pensions should be provided for, Parliament accepted this last offer, and thought it was making a good bargain for the people, by reducing the Pension List more than one-half. When this bargain was accomplished, the amount of the Civil List was fixed, and there was not an instance on record of a compact so entered into being afterwards deliberately broken. He trusted that such a precedent would not be established by the first Reformed Parliament. There were many Members of the House who thought that the prerogative of the Crown would be unfairly restricted by the course which was taken in limiting the amount of the Civil List; and that view of the subject was strongly urged by the right hon. Gentleman, the Member for the University of Cambridge. The decision upon the question was not a hasty one—it was not a discussion of one day. The discussion of the subject was renewed on the 7th February, and again on the 25th March. On the 29th March the Civil List Bill was brought forward; on the 12th April it was read a first time; and a second time on the 14th, and in every stage, from its introduction to its final passing, it was briefly and fairly discussed. It was a singular circumstance that, during the whole of these discussions, the hon. Member for Southwark never once broached any of those opinions upon the subject of the Pension List which he had since been so frequently urging upon the attention of Parliament. On looking over the reports of the debates which occurred at the time, he found only one remark made by that hon. Gentleman, and that remark showed him to be decidedly hostile to a revision of the Pension List in 1831. He said, there would be no economy in it, and that, in nine cases out of ten, if pensions were submitted to a Parliamentary inquiry, they would be much larger in amount than any that would be granted on the recommendation of Ministers to the King. It was certainly a little singular that, at that time, when Parliament had the power to take any course that it might deem most proper, that the only observations falling from the hon. Member for Southwark should be so decidedly unfavourable to the course he had since adopted. So struck, indeed, was the hon. Member for Bridport at the singularity of the opinion expressed by a gentleman whose liberal opinions were so well known, that he got up and declared, that he looked upon the doctrine of Parliamentary inquiry, leading to greater expenditure, as a libel on the House of Commons. The hon. Member concluded by stating, that he looked upon the compact entered into between the Crown and the House of Commons as inviolable; and, on that account, he should feel bound to resist any motion like the present, till they came to the settlement of another Civil List.

Sir *Robert Inglis* was of opinion that, from the moment Parliament took possession of the hereditary revenues of the Crown, upon condition of granting a certain amount for the Civil List, a portion of which was set apart to be appropriated by the Crown in the way of pensions, the Crown by its prerogative had the full disposition of that money, and was as free from the control of Parliament as a private individual in the exercise of its liberality. Considering, therefore, all the suppositions of the hon. and learned Member for Southwark, as being so many certain truths, he would still contend, that the country had no right to exercise any control over the discretion of the Crown in the appropriation of that portion of the Civil List set apart for pensions.

The *Chancellor of the Exchequer* wished to set the hon. and learned Member for Southwark right as to what he had stated respecting the droits of the Admiralty. It was clear from that statement, that an impression existed on his mind, and which he endeavoured to make upon the mind of the House, that after the droits of the Admiralty had been transferred from his Majesty to the public, a sum amounting to 6,000*l*. had been withdrawn from that fund, and paid into his Majesty's privy purse, for his Majesty's own use. But nothing could be more opposite to the fact than that misconceived statement, for such he was sure it was, that had fallen from the hon. and learned Gentleman. It was perfectly true, that the sum of 6,000*l*. was so paid after the transfer of the droits of the Admiralty had been made to the public; but it was a sum that had accrued before the transfer was even contemplated. It had no reference whatever to the Admiralty droits that had accrued since the time that the bargain was made with his Majesty. There had not been one single farthing derived from those casual branches of the King's revenue since that bargain was made that had not been carried to the public account. The hon. and learned Gentleman had challenged him to show him ten names on the Pension List that were distinguished for their public services, or for eminence in literature, in science, or in any other way that could possibly be a recommendation for their being placed on that list. Now, he accepted that challenge; but he begged first to call the attention of the House to the fact, that there had not been in the course of the debate a shadow of an imputation thrown out against any one of his Majesty's present Ministers as to his having recommended any person to be placed on the Pension List who ought not to have been recommended; and with respect to the Government that immediately preceded them, the list he was about to read would not have been so striking as it was if several of the names it contained had not been placed on it by the right hon. Gentleman opposite. The list contained the following names; Dr. Dalton, Mr. Ivory, Professor Airey, Mrs. Somerville, Dr. Southey, Mr. Montgomery, Sharon Turner, Sir James South, Mr. Thomas Moore, Mr. Faraday—but if he chose he could go on and double his Jury list, and give the hon. and learned Gentleman twenty-four names of equal merit.

Colonel *Parry* observed, that the widows of naval officers were required to make a declaration that they were in circumstances of distress before they were allowed to receive any pension; and he thought a similar declaration should be required of those who received pensions from the Crown.

Colonel *Sibthorp* was in favour of inquiry, because he thought it would establish the claims of those who were on the list. If, however, any persons should be found to be on it who were not deserving he, for one, would say, let them be struck off.

Sir *Edward Codrington* supported the motion, for the reason which had been stated by the hon. and gallant Officer below him.

Mr. *Harvey* replied, it was satisfactory to him, and it would be satisfactory to the country, to know that no one had ventured to stand up and resist this inquiry, who was not, either in his own person, or in those of his immediate connections, a recipient of a portion of the money appropriated to these pensions. The noble Lord had to-night displayed a pettiness of disposition which showed him to be unfit to be the leading Minister of that House. Instead of meeting the question fairly upon its merits, the noble Lord had come down with a pamphlet in his pocket, having personal reference to himself (Mr. Harvey). But he was pleased to find the noble Lord driven to this resource, as it bespoke a consciousness of the feebleness of his cause, when he felt it necessary to indulge in the vulgarity of personality. He (Mr. Harvey) had said that no one had spoken against the motion who was not either, in his own person, or by his connections, a recipient from the Pension List. This observation was perfectly applicable to the noble Lord. And was it honourable to the house of Bedford that they should have a person on that list living upon the funds extorted from the poor? With respect to what had fallen from the Chancellor of the Exchequer, he begged to assure that right hon. Gentleman that nothing was more remote from his intention than to misrepresent the appropriation of the revenues arising from the droits of the Admiralty. He had only spoken from the return before the House; and he was glad an explanation had been given as to the payment of the 6,000*l.* Great eulogy had been passed on Lord Sidmouth for having given up his pension of 3,000*l.* a-year. But Lord Sidmouth was connected with a very rich family, and therefore the pension ought to have been given up long before. But what did his Majesty's Ministers do as soon as it was given up? They had not got possession of it forty-eight hours before they began scrambling among themselves who should get the best part of it.

The *Chancellor of the Exchequer:* the hon. Gentleman is quite mistaken; he is entirely wrong.

Mr. *Harvey:* has there been no grant to Lord Glenelg?

The *Chancellor of the Exchequer:* no.

Mr. *Harvey:* was it not intended? Perhaps time may show: but if the right hon. Gentleman means to say, that it was never intended. [The *Chancellor of the Exchequer:* hear!] Very well; then he withdrew his observation. But before the House proceeded to a division, he would suggest as a matter of decency—indeed, he could not fancy that any Gentleman who had any relations on the Pension List, (and he was quite satisfied that upwards of 150 Members of that House were in that predicament) would vote against this motion. The noble Lord had said, that his Friend, Lord Spencer, had never conceded to this House the right to look into this Pension List. But he (Mr. Harvey) could give quotation upon quotation from speeches in which that noble Lord had made that concession. The Chancellor of the Exchequer, when the hon. Member for Middlesex, on the 18th of July, 1831, insisted upon the right of inquiry, protected himself from being committed on that question by saying, that he begged it to be understood, that by their vote on that occasion, no Gentleman would be precluded thereafter from moving that the Pension List be referred to a Select Committee, or that any name be actually struck off. That was said before the passing of the Pension Act. But the majority of the House at that time were borne away by a delusion that it was essential to recognize and acknowledge the bargain made with the Crown, or else something dangerous would happen. In fact, Members were not at that time masters of their own actions. But did his Majesty's Ministers mean to assert that the King of England would say to them, " If you do not recognise and co-operate with me in the propriety of this measure, I will interpose my prerogative to the frustration of an object on which the people insist?" Was that so, or was it not so? If it was, then he would say, that it was an unconstitutional compact, and the Minister ought to have come down to the House of Commons, and have said, " We are called upon to enter into a compact which, if we submit to, we ought to be impeached;" and the House would have given them its support. But the truth was, that the House was not at that time *compos mentis*. The Chancellor of the Exchequer had read a list of names of some very eminent men, certainly, who were on the Pension-List. But that was no answer to his challenge; for all those names were placed on the list since the Pension Act passed; whereas his question applied to the practice prior to that period. The noble Lord had said there were only two petitions in favour of this motion. Very well. He would place it on the people. He was content to stand upon that point; and he now declared he would never bring the subject forward again until there were more petitions on the table than the noble Lord could lift. He knew very well, that when the petitions had been presented, and the motion was again brought forward, the noble Lord would say, " Oh, this will never do; there are too many petitions; if we accede to this motion we shall be yielding to clamour; we are not in a sufficiently calm and serene state for the consideration of this question; besides, the petitions are all written in the same hand—the very parchment is alike." The noble Lord's objection had satisfied him of what he had long since known to be a fact—namely that the Reform Bill was merely a name—that there was no Reform in that House unless the people would act upon their representatives; and that if they suffered them to give pledges one way on the hustings and vote another in that House, they must take the consequences.

The House divided :—Ayes 146; Noes 268:—Majority 122.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Alsager, Richard
Angerstein, J.
Attwood, Thomas
Bailey, J.
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Benett, J.
Bewes, T.
Bish, T.
Blackburne, John
Blunt, Sir C.
Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brocklehurst, J.
Brodie, William B.
Brotherton, J.
Brownrigg, J. S.
Buckingham, J. S.
Burdon, W.
Butler, Hon. Pierce
Cayley, E. S.
Chapman, M. L.
Charlton, E. L.
Chichester, J. P. B.
Clay, William
Codrington, Sir E.
Collier, John
Crawford, W. S.
Curteis, Herbert B.
Curteis, E. B.
Denison, W. J.
Dick, Q.
Divett, E.
Duncombe, T. S.
Duncombe, Hon. W.
Dunlop, J.
Edwards, Colonel
Elphinstone, H.
Etwall, R.
Evans, George
Ewart, W.
Fancourt, C. St. John
Fector, John Minet
Fellowes, N.
Fleetwood, Peter H.
Fort, J.
French, F.
Gaskell, Daniel
Gillon, W. D.
Grote, George
Gully, John
Hall, B.
Handley, H.
Hastie, A.
Heathcote, G. J.
Hector, C. J.
Hindley, Charles
Hodges, T. L.
Hodges, T.
Horsman, E.
Hughes, Hughes
Hume, J.
Humphery, John
Hurst, R. H.
Hutt, W.
Jervis, John
Johnston, Andrew
Kemp, T. R.
King, Edward B.
Langton, Wm. Gore
Lawson, Andrew
Leader, J. T.
Lees, J. F.
Lennox, Lord G.
Lister, E. C.
Lushington, Charles
Macnamara, Major
M'Taggart, J.
Mangles, J.
Marsland, H.
Mathew, Captain
Molesworth, Sir W.
Morrison, J.
Nagle, Sir R.
O'Brien, Cornelius
O'Connell, Daniel
O'Connell, John
O'Connell, M.
Oliphant, Lawrence
Oswald, James
Palmer, Gen.
Parrott, J.
Parry, Colonel
Pattison, James
Pease, J.
Philips, Mark
Plumptre, J. P.
Potter, Richard
Power, J.
Ramsbottom, John
Richards, J.

Rickford, W.
Rippon, Cuthbert
Robinson, G.
Roche, W.
Roebuck, John A.
Rundle, J.
Sanford, E. A.
Scholefield, J.
Sheldon, E.
Simeon, Sir R.
Sinclair, Sir George
Stewart, Sir M. S., Bt.
Talfourd, Sergeant
Tancred, H. W.
Tennent, J. E,
Thompson, Wm.
Thompson, Col.
Thorneley, T.
Tollemache, Hon. A.
Tooke, W.
Trelawney, Sir W.
Tulk, C. A.
Turner, W.
Tynte, Charles K. K.
Villiers, C. P.
Wakley, T
Wallace, Robert
Walter, John
Warburton, H.
Wason, R.
Whalley, Sir S.
Wigney, Isaac N.
Wilbraham, G.
Williams, W.
Williams, Sir J.
Wilmot, Sir J. E., Bt.
Young, G. F.

TELLERS.

Harvey, D. W.
Sibthorpe, Col.

List of the NOES.

Adam, Admiral
Agnew, Sir A., Bart.
Anson, G.
Archdall, M.
Ashley, Lord
Bagshaw, John
Baillie, Col. H.
Balfour, T.
Bannerman, Alex.
Barclay, David
Barclay, Charles
Baring, Francis T.
Baring, F.
Baring, H. Bingham
Baring, W.
Baring, Thomas
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Bentinck, Lord W.
Berkeley, Hon. F.
Bernal, Ralph
Biddulph, Robert
Blackburne, J. I.
Blackstone, W. S.
Bolling, Wm.
Bonham, Francis R.
Bradshaw, J.
Bramston, T. W.
Bruce, C. L. C.
Brudenell, Lord
Bruen, F.
Bulkeley, Sir R. B. W.
Buller, E.
Buller, Sir J.
Bulwer, H. L.
Burrell, Sir C. M., Bt.
Burton, Henry
Byng, G.
Byng, G. S.
Calcraft, J. H.
Campbell, Sir J.
Campbell, W. F.
Canning, Sir S.
Castlereagh, Visc.
Cavendish, Hon. H. G.
Chaplin, Thos.
Chapman, Aaron
Chetwynd, W. F.
Chichester, A.
Childers, J. W.
Clayton, Sir W.
Clements, Viscount
Clerk, Sir G., Bart
Clive, Hon. R. H.
Codrington, C. W.
Colborne, N. W. R.
Cole, Hon. A. H.
Cole, Viscount
Compton, H. C.
Corbett, T.
Corry, Hon. H. T. L.
Cowper, Hon. W. F.
Crawford, W.
Cripps, Joseph
Dalbiac, Sir C.
Dalmeney, Lord
Damer, D.
Darlington, Earl of
Denison, John E.
Donkin, Sir R. S.
Dottin, Abel Rous
Dowdeswell, Wm.
Duffield, Thomas
Dugdale, W. S.
Duncombe, Hon. A.
Dundas, Hon. T
East, James Buller
Eastnor, Viscount
Ebrington, Lord
Egerton, Wm. Tatton
Egerton, Sir P.
Egerton, Lord Fran.
Elley, Sir J.
Elwes, J
Estcourt, Thos. G. B.
Estcourt, Thos. S. B.
Fergus, John
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, Robert
Ferguson, G.
Fergusson, Rt. Hn. C.
Finch, George
Fitzgibbon, Hon. B.
Fitzroy, Lord C.
Fleming, John
Folkes, Sir W.
Follett, Sir W. Webb
Forester, Hon. G. C. W.
Forster, Charles S.
Fremantle, Sir T. W.
Freshfield, J.
Geary, Sir W. R. P.
Gisborne, T.
Gladstone, Thomas
Gladstone, Wm. E.
Gordon, Robert
Goulburn, Rt. Hn. H.
Goulburn, Sergeant
Graham, Sir J.
Grattan, J.
Greisley, Sir R.
Grey, Sir G.
Grimston, Viscount
Grosvenor, Lord R.
Hale, Robert B.
Halford, H.
Hamilton, Lord C.
Hanmer, Sir J., Bart.
Harcourt, G.
Hardinge, Sir H.
Harland, W. Charles
Hawes, Benjamin
Hawkins, J. H.
Hay, Sir A. L.
Heneage, Edward
Henniker, Lord
Herries, Rt. Hn. J. C.
Hobhouse, Sir J. C.
Hogg, James Weir
Holland, Edward
Hope, Hon. James
Hotham, Lord
Howard, R.
Howard, P. H.
Howick, Lord
Jermyn, Earl of
Ingham, R.
Inglis, Sir R. H., Bt.
Johnstone, Sir J.
Jones, W.
Jones, Theobald
Knightley, Sir C.
Labouchere, H.
Law, Hon. C.
Lefevre, Charles S.
Lemon, Sir C.
Lennard, T. B.
Lewis, David
Lincoln, Earl of
Loch, James
Long, Walter
Lopez, Sir R.
Lowther, Col. H. C.
Lygon, Hn. Col. H. B.
Mackenzie, J. A. S.
Mahon, Lord
Manners, Lord C.
Marjoribanks, S.
Marshall, William
Marsland, Thomas
Martin, J.
Maule, Hon. F.
Maunsell, T. P.
Miles, William
Mordaunt, Sir J., Bt.
Morgan, Chas. M. R.
Morpeth, Lord
Mosley, Sir O., Bart.
Mostyn, Hon. E. L.
Murray, Rt. Hon. J.
Nicholl, J.
Norreys, Lord
O'Brien, W. S.
O'Ferrall, R. M.
O'Loghlen, Sergeant
Ossulston, Lord
Owen, Hugh
Packe, C. W.
Palmer, Robert
Parker, M. E.
Parker, J.
Patten, John Wilson
Pechell, Captain
Peel, Sir R., Bart.
Pelham, Hon. C.
Pendarves, E. W.
Perceval, Colonel
Philips, G. R.
Pigott, Robert
Pinney, W.
Plunket, Hon. R.
Powell, Colonel
Poyntz, Wm. Stephen
Praed, Winthrop M.
Price, S. G.
Pringle, A.
Pryme, George
Reid, Sir J. Rae
Rice, Right Hon. T. S.
Ridley, Sir M. W.
Robarts, Abraham W.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, R.
Russell, C.
Russell, Lord John
Russell, Lord
Russell, Lord Charles
Ryle, John
Sanderson, R.
Sandon, Lord
Scarlett, Hon. R.
Scott, Sir E. D.
Scott, James W.
Scourfield, W. H.
Seymour, Lord
Sheppard, Thomas
Smith, J. A.
Smith, A.
Smith, Hon. R.
Somerset, Lord G.
Stanley, E. J.
Stanley, Lord
Steuart, R.
Stewart, P. Maxwell
Strutt, E.

Stuart, Lord D.
Stuart, Lord James
Stuart, V.
Sturt, Henry Charles
Surrey, Lord
Talbot, C. R. M.
Thomas, Colonel
Thompson, C. P.
Thompson, Paul B.
Townley, R. G.
Trevor, Hon. Arthur
Trevor, Hon. G. R.
Troubridge, Sir E. T.
Vere, Sir C.
Verney, Sir A.
Vesey, Hon. T.
Vivian, Major
Vivian, J. H.
Vivian, John Ennis
Walker, Richard
Walpole, Lord
Ward, H. G.
Welby, G. E.
Wemyss, Capt.
Westenra, H. R.
Weyland, Richard
Whitmore, Thos. C.
Wilbraham, Hon. B.
Wilde, Sergeant
Wilkins, W.
Williams, Robert
Williamson, Sir H.
Wilson, H.
Winnington, Sir T.
Wodehouse, E.
Wortley, Hon. J. S.
Wynn, Rt. Hon. C. W.
Yorke, E. T.
Young, J.

TELLERS.

Smith, Robert V.
Wood, C.

HOUSE OF COMMONS,

Wednesday, April 20, 1836.

MINUTES.] Bills. Read a second time:—Lunar Month.—Read a first time:—Pool Corporation.

Petitions presented. By several MEMBERS, from various Places, for the Better Observance of the Sabbath.—By several MEMBERS, from various Places, for the Repeal of the Duty on Spirit Licences, and for Revision of the Criminal Code.—By several MEMBERS, from various Places, for a fair Remuneration to the Medical Practitioners employed under the Poor-Law Act.—By Mr. FLEMING, from Portsmouth, against the Factories' Act Amendment Bill.—By several MEMBERS, from the Agriculturist of various Places, for Relief.—By Sir WILLIAM GEARY, from various Places in Kent, for the Repeal of the Malt Tax.—By Mr. KEMP, from Lewes, for the Repeal of the Duty on Soap.—By Major MARSLAND, from the Manufacturers of Snuff at Newcastle-upon-Tyne, Complaining of Adulteration and Smuggling, and praying for Relief.—By Messrs. BLACKBURNE and BUCKINGHAM, from Huddersfield and Weymouth, for Reduction of the Duty on Marine Insurances.—By Mr. JOHN MAXWELL, from the Hand-Loom Weavers of various Places, for a Board of Trade to regulate their Wages.—By Captain PECHELL, from the Fishermen of Brighton, against the use of Traul and Drag Nets on the Coast, or within a short distance of the Shore.—By Mr. INGRAM, from the Seamen of South Shields, for preventing Merchantmen from being sent to Sea in an unfit state.—By Mr. PHILIP HOWARD, from Carlisle, to exempt Building Materials for Dissenting Chapels from the payment of Duty.—By Mr INGRAM, from the Protestant Dissenters of South Shields, for Relief.—By several MEMBERS, from the Attornies of various Places, for the Repeal of the Duty on their Certificates.—By Lord Viscount SANDON, from the County Charlotte, and Province of Nova Scotia, against Alteration of the Duties on Colonial Timber; from Liverpool, for a Communication to facilitate the Trade with Ireland; and from the Corporation of Liverpool, for the Removal of the Disabilities of the Jews.—By Mr. SHARMAN CRAWFORD, from Kilcoury, to compel Landlords who eject their Tenants, to allow them fair Compensation; and from Castlereagh and Ballywater, to take the whole of the Grand Jury System under consideration.—By Mr. JAMES GRATTAN, from Hacket's-town, Kiltegan, and other Places, for Abolition of Tithes; and for the introduction of Poor-Laws into Ireland.—By Mr. PARKER, from the Carriers of South Devon, for the Repeal of the Duty on their Carts.—By Mr. F. TRENCH, from Boyle, for the Speedy completion of the Shannon Navigation.

GAME LAWS, SCOTLAND.] Mr. *Fox Maule:* Having given several days notice of the petition which I hold in my hand, I trust I may be allowed to state as shortly as I can to the House, the grievances set forth in it. It is signed by 1,279 owners and occupiers of land in the county which I have the honour to represent (Perth). They complain, that owing to the present state of the Game Laws they are deprived of that protection to their property which is enjoyed by all other holders of property in this country; and I must say, that the grounds of this complaint are unhappily too well founded. When we consider the state of the times, as far as agricultural interests are concerned—when we know that it is only by the greatest energy, enterprise, and skill, that the farmer can meet the high rent which he is called on to pay, it does appear monstrous that the seed which he commits to the ground, that the growing crop on which his existence depends, should be devoured before his eyes, without his having the slightest power either to destroy the animals that prey upon him, or to obtain redress for the damage they occasion. They complain, also, in language most respectful, of the course pursued by the House when a measure of redress was last year proposed to its notice, and they deeply regret the unwillingness of the House to listen on that occasion to what they conceived to be a just and equitable mode of settling this question, which, while it left the landlord in the enjoyment of his amusements derived from the pursuit of game, which I would be the last man to wish to interrupt, at the same time afforded protection to the small proprietors and cultivators of the soil. Upon this subject, however, I feel a delicacy in entering further, and bow for the present to the decision of the House. I feel that the state of the Game Laws is such, that they must ere long demand the attention of the Legislature, and I shall avail myself of whatever opportunity may occur, to obtain for my constituents that redress for their grievances which they pray for in the petition. I always regret when I see the landlord and tenant differing on the subject of game, as I feel convinced that arrangements might be made compulsory by law which would have the effect of bringing about a clear understanding on the subject, and that game, instead of being as it too often is, the source of dissension, might become a connecting link between the two. I move that this petition be now received.

Mr. *Craven Berkeley* said, the parties took their land knowing what they would be subject to, and they had no right to complain. He did not think it would be generally advantageous to destroy game altogether.

Mr. *Robert Ferguson* supported the prayer of the petition. He knew that the destruction of game was not the object of the petitioners, but they were in general overrun with rabbits, which had been allowed to multiply too much, and if the rabbits were kept down there would be no complaints.

Petition to lie on the Table.

JANE CHAMPION.] Captain *Pechell*, pursuant to notice, had to present the petition of an unfortunate woman who by the course of law had been deprived of her legal and natural protector; and he felt assured that on this, as on other occasions when a female besought their sympathy, the House would favour her advocate with their attention. It was necessary before he entered into the case that the House should be aware, in consequence of some remarks which had been made, that although the cause of complaint had arisen in consequence of a change of administering parish relief, it was not sought in this matter to question the principle of the Poor-Law Bill, as in all probability the grievance would have occurred had not that measure come into operation. Neither was it intended to attribute any improper motives to the Cinque Port Magistrates concerned, who appeared to have shewn some indulgence, and who, no doubt, had acted according to the law as laid down or explained to them. Still he, (Captain P.) had much reason to regret the cause which had produced the present petition. The House would recollect that, on the 26th February, a petition was presented from Jane Champion, which stated, that she had the misfortune, in consequence of the transportation of her husband, to be left with six young children totally unprovided for, and with every prospect of producing a seventh. The parish officers then allowed her a maintenance for the children, the payment of which ceased on the Poor-Law Bill coming into operation. The children were then taken into the workhouse, and the mother was allowed to seek a subsistence for herself. The parish officers imagining that by compelling the petitioner to go into the workhouse she might be induced to take back her children, obtained a warrant under the vagrant act; and on the petitioner refusing so to enter the poor-house, she being able to obtain a subsistence for herself, she was convicted by the Cinque Port Magistrates as a rogue and vagabond and sent to the House of Correction. After enduring this punishment the petitioner went to live with her relations at Brighton, and occasionally was able to get employment, but the parish officers again interfered and again sought to force her into the workhouse. The magistrates, however, finding that the case was to be sent to this House, very kindly consented to adjourn it, and the noble Lord (J. Russell) directed the case to be sent to the law officers as to the privileges of coverture claimed by petitioner. The law officers, in giving their opinion, actually threw the main question at issue entirely overboard; and he, (Captain P.,) appealed to the House, whether or no the Attorney-General did not completely avoid the question put to him the other evening on this subject? The law officers gave it as their opinion that if the wife by the transportation of the husband became possessed of the means of supporting the children, the property so possessed was liable to their maintenance. But they also declared, that previous to any step being taken, it was necessary proof should be given that she had the means. Acting on this opinion, the parish officers of Seaford brought the adjourned case to a hearing on the 11th inst.; but they did not attempt to show that the petitioner had any visible means; yet they construed her refusal to enter the workhouse, and their offer of employment, in the same light as if she had *bona fide* the pecuniary means of assisting to maintain the children. The petitioner was therefore again convicted as a rogue and vagabond, and this was the ground of the present complaint. The petitioner did not ask for relief; she could support herself, or live on the charity of her family. She had not left her children; they were taken from her long since, and placed in the poor house; so that it was not easy to reconcile these facts with the provisions of the Vagrant Act. The 56th section of the Poor Law Bill stated that all relief given to the wife and children was to be considered as given to the husband. But here the husband was living, and absent without her consent, and certainly against his own. The woman could not marry, and therefore it was oppressive to hold her single for one law and married for another. It was to be regretted that the Attorney-General was not in his place; but as there were no doubt other legal Gentlemen present, he (Capt. P.,) should like to know, as the law officers had decided that the petitioner might have become possessed of property by the transportation of her husband, whether, in the event of any money having been settled on her at her marriage, she could now have obtained the same. He, (Capt. P.) believed that the Crown would take it for the life of the husband. The law officers might probably tell him that the monies called pin money would be applicable; but in the present case the unfortunate petitioner had no such resources. By the decision come to by the magistrates, the question of the liability of the wife to maintain her husband's children had been entirely overlooked. The petitioner had no choice but a jail or a workhouse, as the parish officers would not permit her to maintain herself, but would compel her to go into the poor-house. This then being a special case he considered the Government should interfere, as the petitioner had no legal remedy and could not sue or be sued, and that the Poor-Law Commissioners should be directed to sanction the parish officers allowing this woman the same sum for the maintenance of her children as was given her on the transportation of her husband and before the new Bill came into operation. He, (Capt. P.) had reason to believe that the Poor-Law board was very desirous to assist the petitioner, and therefore trusted the noble Lord would do something for her. The petitioner prayed, that her petition might be referred to the Law and Ecclesiastical Judges for their opinion on her case, whether she was to be held as *femme sole* or *femme couverte.* He had reason to believe, that the Judges were bound to give their opinion when called upon by parliament; and as the petitioner was to be committed pursuant to the sentence on Monday next, he earnestly entreated the Government to take this case into their immediate consideration.

Mr. *Fox Maule* said, that when the former petition on this subject was presented, he then expressed his opinion—an opinion which he now begged leave to repeat—that he did not think it was a case in which the House should interfere. The matter having come before the magistrates of Seaford, they had a case made out of it, and sent up to the law officers of the Crown for their opinion. That opinion was given, the magistrates acted up to it, and if there was anything wrong in it, the law officers of the Crown were ready to be responsible for it. He thought that in the mean time the magistrates o Seaford were perfectly justified in acting upon it. The petitioner was regularly brought within the pale of the law, and the law must take its course. He did not see how the House could send the matter to the Judges, or suspend the proceedings before the magistrates.

Mr. *Kemp* said, that the present case was a very distressing one, and he trusted, therefore, that it would meet with the consideration of the House. As no discretionary power was vested in the magistrates, or the Poor Law Commissioners on the subject, and as the poor woman was liable to be sent next Monday to gaol, he thought that the prayer of the petition should be complied with.

Mr. Sergeant *Goulburn* said, that the prayer of the petition was rather an extraordinary one—namely, that it should be referred to the judges to ascertain whether the petitioner was a *femme sole* or *a femme couverte.*—Petition to lie on the Table.

LONDON GRAND JUNCTION RAILWAY. RIGHT OF MEMBERS BEING SHAREHOLDERS TO VOTE FOR PRIVATE BILLS.]

Mr. *Ormsby Gore*, in rising to propose the further consideration of the Report of the London Grand Junction Railway, said, that however distressed he might have felt at the unavoidable circumstance that had prevented his attendance sooner, yet he rejoiced, that the delay had occurred, as it had given those who were opposed to this measure sufficient time to examine their objections, and to ascertain how far they were well founded. He had no personal interest in this railway, nor was he concerned in any speculations of the kind. He rejoiced to find, that the right hon. the President of the Board of Trade, who had at first entertained objections to this Bill, had given up his objections to it, and would not now oppose it. The hon. Gentleman concluded by moving the further consideration of the Report.

Lord *Granville Somerset* stated, that he could also say, that he had no personal interest whatever in the measure before the House. He thought, however, that it was most essential that Committees to whom inquiries of this nature were intrusted, should be most accurate in the statements that they made. It was not then his intention to discuss the merits or demerits of the Bill, but he certainly considered it to be a strong measure to carry a railway of this description through the midst of a dense population. The noble Lord proceeded to point out several discrepancies between the Report of the Committee and the charges in the body of the Bill, and he contended, that all calculation would be at an end, and that no security could be placed in the Reports of Committees, if inaccuracies and discrepancies of this kind were permitted. He, therefore, moved, that the Bill be re-committed.

The House divided on the original question: Ayes 106; Noes 43:—Majority 63.

RIGHT OF VOTING ON PRIVATE BILLS.] Notice having been taken that the Member for Mary-le-bone (Sir Samuel Whalley), a subscriber to the undertaking, had voted with the Ayes. Lord Granville Somerset moved, that Sir Samuel Whalley's vote be disallowed.

Mr. *Hume* contended, that it was the law of Parliament that no person having a personal interest in any question before House should be entitled to vote. A case occurred in the time of Mr. Huskisson, and there was also the case of the St. Katherine's docks, both of which were so decided. When a question relating to the St. Katherine's docks was before the House, Mr. Pascoe Grenfell having voted, the circumstance was brought under the notice of the House, and it having been ascertained that he had a personal interest in the question, it was ordered by the House that his vote be withdrawn. He should be sorry to see any person who had a personal interest in a question of this description voting in any division upon such a question.

Sir *George Clerk* read from the journals of the House a minute of the case of Mr. Pascoe Grenfell, in which, on a motion made, that the vote of Mr. Grenfell be annulled, he having had a personal interest in the question, Mr. Grenfell was heard in his place, and the House resolved, *nem. con.*, that the vote of Mr. Grenfell could not be allowed.

Mr. *Ormsby Gore* said, that many hon. Members had voted on Railway Bills, in the course of the Session, who were interested in them, and he thought it very hard, therefore, to attempt to visit on the hon. Member for Marylebone that as an offence which had been done by so many others. It was very hard, that he should be selected as the scapegoat.

Mr. *Ewart* said, that it was impossible to draw the line; for he could not see if those who were interested in measures before the House were not allowed to vote, why those should be allowed to vote who were opposed to those measures. In the one case the interest was as great as in the other.

Mr. *Warburton* said, it might be, that persons had voted on Railway Bills who were interested in them, but if so, the circumstance had not been brought under the cognizance of the House. Gentlemen who held shares, or were Directors of a Company, might have it in their power to vary the market price of those shares by a particular course of action, and was it fitting that such persons should have the power of voting upon the Bills in which they were themselves interested?

Mr. *Roebuck* wished to put the question on a higher principle than it had yet been placed. The Members of that House were sent there as the Representatives of the people of England, clothed with all the peculiarities of their different dispositions and interests, and he did not think the House would sanction their acting in opposition to their wishes. If any portion of the people of England elected a man to be their Representative, that House had not the power of determining on what questions he should or should not vote.

Mr. *Pryme* considered, that the situation in which an hon. Member placed himself, by voting for a question in which he was personally interested, was of his own seeking. He (Mr. Pryme) had no interest in this Bill, but if he had, he certainly should not consider himself entitled to vote.

Mr. *Aglionby* trusted, that a specific motion would be brought forward on this subject in order to determine the principle. He thought, at the same time, that it was particularly hard that the principle should be brought forward in opposition to the vote of the hon. Member for Marylebone, when a similar course had been pursued by scores and scores of Members of that House. He would instance the votes last night upon the motion of the hon. Member for Southwark, with regard to the Pension List, and he would ask whether no hon. Members voted against inquiry, who were connected with persons deriving pecuniary advantage for being on that list? With respect also to the twenty millions Compensation Bill, did no one vote in favour of that Bill who was connected with the West-India interest? Again, as regarded the Corn-laws, did not the landlords vote in favour of the continuance of those laws, he would not say in favour of a monopoly, but in which they had a direct interest in keeping up the price of corn? He had often been applied to to become a Director, and to take shares in railways, but he had never consented, and, therefore, he at least was disinterested in the view he took of this question. At the same time he did not find fault with those who had acted otherwise, because he considered it was a matter purely of personal feeling.

Sir *Samuel Whalley* begged pardon of the House for intruding on its notice in any reference to a matter that was personal to himself, and he could assure the House that he adverted to it with a great deal of pain. He begged to assure the House that he fully recognised the principle that had been laid down, and was most anxious to implore his Friends—for Friends he trusted he had many in that House—not to consider it as a personal attack. Let the House bear in mind what were the general principles he had maintained in that House; he trusted that every part of his conduct since he had been a Member of it, had been upright and honourable, and he trusted the House would now permit him to withdraw.

Lord *Stanley* said, one great advantage arising from this subject having been mentioned, was, that it was entirely a question distinct from personal feeling, because the majority on the occasion was so large that one or two votes made no difference in the decision at which the House had arrived. It was perfectly clear, that the conduct of the hon. Member for Marylebone had been open, fair, and candid on this transaction. He was applied to to become a subscriber and Director, and took shares to the amount of 2,000*l.*, and upwards, openly and above-board; there had been no attempt at concealment, and therefore not the smallest imputation could rest upon him. He (Lord Stanley) had looked for precedents, and he had found one in the year 1800, in the case of the Albion Flour Mills Company Bill. Upon that Bill the House divided, 47 ayes, and 16 noes, and notice being taken that the name of William De Baines appeared among the ayes, his name appearing as a subscriber to the Company, motion was made that the vote of Mr. De Baines should be struck off the list of the majority. Mr. De Baines was heard in his place. He said he had not paid any money on account of the undertaking. He then withdrew, and the vote was disallowed. After that notice was taken of the names of several other Members who were parties interested in the measure who had voted, and they one and all immediately stated, that they had no objection to their names being struck off. They left the House, and their votes were struck off accordingly. He recollected another case of a similar description on the Ayr and Calder Bill, but he had not the precedent before him, and therefore would not refer further to it. The hon. and learned Gentleman, the Member for Cockermouth (Mr. Aglionby), had said that as far as feeling went he was in favour of the practice of Parliament being adhered to, and he also said, that on no occasion had he taken part in these speculations, because his conduct might be open to suspicion. No doubt that was an honourable feeling, but with respect to the argument of the hon. and learned Gentleman regarding the Pension List, he must say, that that argument afforded the strongest ground in favour of the principle. And why? Because it did so happen that no person who was in the receipt of a pension from that pension list could vote on any question in that House. He (Lord Stanley) thought the vote must be disallowed, and it would be for the House to determine whether it would take the law of Parliament on this subject into its consideration. In the reasons he had stated, although he admitted that the hon. Member for Marylebone might be hardly dealt with, he thought the vote must be disallowed; but at the same time, without casting the slightest reflection or imputation on the hon. Member in question.

The *Attorney-General* thought, that it was not according to the law of Parliament, that persons having a personal interest in any question before the House could not vote upon that question. On the 20th of March, 1825, a motion was submitted, that it was the opinion of that House, that no Member should vote for or against any measure in which he had a direct pecuniary interest, and the previous question being put, the motion was negatived. It, therefore, still remained a *vexata questio*. Full time ought therefore to be taken, and the subject duly considered before the House proceeded to disallow the vote of the hon. Member for Marylebone. The House would, in his opinion, find great difficulty in applying any general rule, and still greater difficulty in enforcing it. He would ask, as regarded owners, through whose grounds these railroads ran, and who therefore had a personal interest, whether their votes were to be disallowed? He thought it would be much better to leave the matter to the honour and feeling of hon. Members, rather than to come to any general rule on the subject.

Sir *Robert Peel* should be very sorry if the House were called upon to lay down any general rule on the subject, because he did not think, that the discussion which had taken place corresponded with the importance of the subject. In many instances, if a Member were precluded from voting, in consequence of a direct personal interest in any question, he might be prevented from doing his duty to his constituents. As regarded a remission of a particular description of taxation, a person might have a direct personal interest, but yet there was no law of Parliament that would disqualify him from voting. The principle of Parliament was to be found in a note to Mr. Hatsell's work, who said, that the rule which had been laid down with respect to Members voting on subjects in which they had a direct personal interest was not sufficiently attended to, and that the practice had been contrary to law, to decency, and justice. A case came before the House on the 4th of July, 1800, in which several votes were rejected. Again, there was a case on the 16th of May, 1811, but as no vote was come to, the principle was not practically applied. Again, in 1811, with regard to the Gold Coin Bill, a question arose as to whether the Directors of the Bank of England had not a direct personal interest in that Bill, and the proposition was negatived. The question of direct personal interest, generally speaking, applied to estate bills and canal bills, and to Joint Stock Company Bills, but did not apply to tax Bills, or to Bills of colonial regulation. He thought there would now be great difficulty in establishing a general rule, because, if the object was to prevent the influence of direct personal interest, the mere establishment of the rule would not prevent Members from becoming shareholders and Directors of these companies. What was to prevent any Member who had no share in the first instance, when there would be no apparent cause for influencing his vote, after the Bill had gone through Committee, or having passed the third reading, to take part in the speculation? Would not his personal interest in the matter be then as direct as if he had originally been a subscriber to the undertaking? He thought, that the House had even greater security from the notoriety of the fact of seeing the names of parties who were subscribers to the undertaking. Let the House take the case of a strong opposer to a Bill, who afterwards made good terms with the parties, and got 1,000*l.* an acre for his land, would that individual not have a direct personal interest? That person who might have been considered one of the most violent opposers of the measure, might thus become one of its most interested supporters. He must say, in conclusion, as regarded the hon. Member for Marylebone, that there was no charge personally affecting his character. He thought, according to the principle of all previous decisions, the House was bound to exclude the vote; but if it were to imply the establishing a general principle, he should say the subject required greater consideration—were it to be converted into a general principle, he should object to it.

Mr. *Gisborne* could state a case perfectly in accordance with the view which had been taken by the right hon. Baronet. He (Mr. Gisborne) applied a short time since to the Directors of a railway, who had a Bill before Parliament, he would not name the Company, the Committee on which he attended, for twenty shares. Not seeing his name in the list of subscribers, he applied to the solicitor to know the reason, and his answer was, that he thought it better to keep out of view the names of all Members of Parliament; that he might have voted with perfect security without its being known that he was a shareholder, and this was told him in an hotel close in the neighbourhood of that House. He became a shareholder because the railroad ran contiguous to his property, and not because he was a Member of Parliament. At the same time he saw no reason, why, being a Member of that House, he should not be a shareholder. In the case he had mentioned, however, he did not appear as a shareholder, because he was a Member of Parliament. He felt himself bound to state, that the conduct of the hon. Member for Marylebone had been as open and manly as possible.

Mr. *Thomas Duncombe* said, there was the case of Mr. Harvey in 1830, with reference to Parliamentary agency. In consequence of the decision which was come to on that subject, the hon. Member moved a resolution, that if the rule was to apply in his case, a similar rule should apply on all others, and upon that question the House came to a vote, and the decision was 124 against Mr. Harvey's motion, and twenty-seven in favour of it. He (Mr. Duncombe) voted with his right hon. Friends, the Presidents of the Board of Trade, and the Board of Control, and several county Members, on that occasion, because they determined, that it should go forth, that the Members had the power of voting on private Bills, in which they had a personal and direct interest.

Mr. *Brotherton* thought, that it was very important that this question should be decided upon principle.

Mr. *Villiers* would suggest, that no witness could give evidence in a Court of Justice, who had a direct personal interest to the amount of 20*l*.

Sir *James Graham*: the case of Mr. Harvey, as alluded to by the hon. Member for Finsbury, involved a motion of a general nature. In that case, the previous question was carried in consequence of the reasons stated by the right hon. Member for Montgomeryshire (Mr. C. Wynn), who laid down the law of Parliament on the subject, and who voted in the majority.

Mr. *Grote* said, that there appeared to be a general feeling that it was not very desirable for Members to vote on questions in which they had a direct personal interest, while, on the other hand, it was admitted to be impossible to draw any definite line on the subject. The inference which he should draw from these circumstances was, that Committees of that House were not fit tribunals to decide upon these subjects.

Lord *Granville Somerset* begged to remark that he did not act upon any personal feeling, but purely on public grounds. He did not mean to impute any improper conduct to the hon. Member for Marylebone, for, on the contrary, he would freely admit that that hon. Gentleman had acted in the most straightforward and honourable manner.

Lord *John Russell* had always understood the practice of the House to be that which had been laid down by the Speaker of the House of Commons in the year 1811, and which had been quoted by the right hon. Baronet. He quite agreed in the general view which had been taken by the hon. Member for London. He thought that the question, whether any hon. Member, having a direct interest in the matter, should vote upon a Committee sitting with reference to such work wherein such Member was personally interested, was, indeed, a question which should be dealt with, and decided upon, with as little delay as possible. He was quite aware that in bringing this subject before the House, the noble Lord had acted from a sense of public duty, and upon principle only. The precedents which they had access to in this matter were not, as he considered, satisfactory, and the whole question ought to be considered with a view to put an end to the doubt which existed. It was time that the whole system should be revised.

Mr. *Bernal* agreed in what had fallen from the noble Lord. He was quite sure that it would be impossible for many years longer to keep up the present system of carrying on the private business of the Legislature; for the tribunals to which the various important questions were referred in the case of private Bills, were wholly incompetent to deal with them. When they were told that Gentlemen were to be allowed to sit upon Committees on Bills in which those same Gentlemen were directly interested, and that they should give a decision on those matters, he would ask simply, whether any principle so absurd would be admitted and allowed to be acted upon in any other tribunal? In other instances, he would ask, did they permit any men to sit in the double capacity of Judges and Jurors in their own case? Sure he was, that the right hon. Baronet, the Member for Tamworth, never would countenance the assertion of any such principle. He would defy that right hon. Gentleman to pronounce such a doctrine, as that any gentlemen, however excellent and upright they might be, should be entitled to sit as the Judges and Jurors in their own case. They were certainly bound to find some remedy for this state of things. He contended that nothing would tend more to depreciate the House in the eyes of the country, than the persisting in any system, the practical effect of which was to render men Judges and Jurors in their own individual cases.

Mr. *Hawes* said, that this motion ought not to be made a partial one. Let the noble Lord speak out manfully, and move the resolution of the year 1830. [Cries of "You move."] He would then move the resolution of 1830, as an amendment (to the motion of the noble Lord), which was to the effect, that it was incompatible with the ends of public justice, and inconsistent with the situation of hon. Members of that House, to vote on any private Bill in which they might have a direct personal interest, in any Committee on such Bill, or on any question in any Committee of the whole House, where they were personally interested.

Mr. *Hume* begged his hon. Friend not to attempt to press his amendment; let the motion be carried, and the principle be properly discussed afterwards and set at rest.

Mr. *Poulett Thomson* would also beg his hon. Friend not to bring forward the general question, mixed up as it was with the merits of this particular case. He thought it was very necessary that the House should lay down some general rule upon the broad question, whether hon. Members should or should not vote on questions immediately affecting their personal interests; and he did not agree in the opinion of the right hon. Baronet, the Member for Cumberland, that the present state in which the matter lay was a good one. He thought that the vote of the Member for Marylebone ought to be disallowed.

Mr. Hawes withdrew his amendment.

Mr. *Wakley* as his hon. Friend had withdrawn his amendment, must propose, that the discussion on this motion be adjourned till Tuesday next. He begged to confirm what had been stated by the right hon. Member for Tamworth, that the conduct of the hon. Member for Marylebone had been throughout most manly;—there had been on his part no concealment and no hypocrisy. He had stated openly to the Committee —"I am a Director of this Company, and I am the proprietor of many shares." He was bound to state, as a Member of the Committee, that no man could have detected from the conduct of the hon. Member for Marylebone that he had any interest in this undertaking.

The House divided on the question of adjournment—Ayes 50; Noes 90: Majority 40.

The original motion was then carried, and the vote of Sir Samuel Whalley disallowed.

AMBASSADOR TO AUSTRIA.] Mr. *Hume* begged to know from the noble Lord, the Secretary for Foreign Affairs, whether our Ambassador, Sir Frederick Lamb, who had been absent from Austria for a period of sixteen months, received his full amount of salary and allowance during that period? He felt the more anxious to have the absence of our Ambassador at the Court of Austria satisfactorily accounted for, as he recollected that he had had occasion two years ago, to complain of the absence of our Ambassador from Constantinople, at a time when serious occurrences took place. If our diplomatic establishment were kept up at all, it was most essential to have a resident Ambassador at the Court of Austria, whose interest was identical with that of England in opposing the aggressions of Russia.

Viscount *Palmerston* stated, that it was the rule for Ambassadors who were absent from the court to which they were sent, to forfeit half their salary. With respect to the particular case, mentioned by his hon. Friend, he could inform him, that Sir Frederick Lamb was about to repair to Austria immediately, and that he had been detained in this country for the last two or three months, not on account of his own convenience, but for the advantage of the public service.

RUSSIA AND TURKEY.] Mr. *Grote* rose to present a Petition from sixty merchants of the city of London, who might be considered as fair representatives of its trade. The petitioners complained that a system of commercial regulations, eminently favourable to the intercourse which existed between this country and Turkey, had been acted upon for a considerable period by the latter; but that this wise and salutary policy had of late been changed by the overbearing interference of Russia with Turkey. The petitioners prayed the House to extend to Turkey that moral and political support of the House and the Government which would enable that country to act on its own views, and thereby place on a proper footing the trade between the countries which, if just facilities were afforded, it would, in the belief of the petitioners, increase to an almost illimitable extent. In presenting this petition, he should only express an anxious hope, that while every precaution was taken by the Government for that protection of trade to which this country was fully entitled, and for the redress of any undue encroachments on the part of Russia, still he could not but deprecate any course which would have the effect of involving this country in hostility to Russia, and thereby interrupting the peace and tranquillity which now happily prevailed in Europe. He said this, because it had of late become the custom in that House to use very unmeasured language as to the general aggressions of Russia; language, respecting which, whatever opinion he might entertain as a private individual, he considered most unwise and impolitic to be expressed in that House.

Petition to lie on the Table.

Sir *Stratford Canning* presented a Petition from Glasgow on the same subject as that which had just been presented to the House by the hon. Member for the City of London. The petition was signed by 160 individuals, comprising many of the most respectable and opulent merchants and manufacturers of the important seat of commerce from which it came. He would state the principal points of the petition. Its general purport was, that Russia had adopted a restrictive system of commerce particularly prejudicial to the trade of Great Britain, and that in the same spirit she had acquired, and now exercised, an undue influence over Persia and Turkey; that both those countries were capable of affording a most important and beneficial field for the extension of British trade; that the ancient institutions and modern treaties of Turkey were highly favourable to our commercial interests, and therefore that the petitioners looked to Parliament for assistance in obtaining the removal of their grievances, and the promotion of that commercial intercourse with the Levant, in which they were either directly or indirectly concerned. Having thus stated the general object of the petition, he would not detain the House from hearing the hon. Member for Lancaster, who had already risen on the motion of which he had given notice, further than to express his earnest hope that all due attention would be given to the prayer of a petition so numerously and respectably signed. With respect to the grievances complained of, much must, of course, depend upon the nature of the facts remaining to be explained; but he would declare his conviction that the resources of the Turkish empire and of the Eastern countries in general were such as to justify the petitioners in looking for a considerable extension of trade in that quarter; and he trusted that, with all due regard to the rights of other countries, and particularly to the great interests of peace, measures calculated to realize a just and reasonable expectation would be adopted.

The petition was laid on the Table.

Mr. *Patrick M. Stewart* rose to bring forward the motion of which he had given notice. That motion, he observed, amounted in substance to the prayer of the two petitions which had just been laid on the Table, and aware as he was of the great weight and character of those whose names were attached to those petitions and the great importance of the interests which they represented, he could not but regret that the advocacy of those interests had not fallen into abler hands. However, he would do his best, and in going into the details of this subject he should have to trespass on the indulgence of the House; but he could assure the House that he would not abuse the indulgence they might show him. He had often been asked, as well out of as in that House, why, in the name of common sense, after this subject had been so recently and so fully discussed, he felt it necessary again to bring it forward? He answered, that he considered this course was called for by the great importance of the interests which were placed in jeopardy, and because he was anxious to rouse the attention of the House and the Government to some practical result as to what the petitions just presented had prayed for. For it should not be forgotten, that while we were quietly looking on and seeing danger as at an immense distance, or regarding it only with the eye of an alarmist, Russia was steadily pursuing her aggressive policy, which was alike dangerous to the peace of Europe, and greatly injurious to the commercial interests of this country. What had happened with respect to the former motions on this subject? On the 19th of February in this year the House, on the motion of the noble Lord (Lord Dudley Stuart), discussed the policy of Russia, and it was then thought that all was safe, as the attention of Parliament and of the country had been called to the subject. Three days after that discussion came the intelligence of the attack on Cracow, which by the Treaty between the powers at Vienna was to be for ever free, and its neutrality for ever respected, and to be for ever protected from all aggression. The subject of Russian policy was again brought forward by an hon. Member (Sir Stratford Canning), but the sound of the speeches delivered on that occasion had scarcely died away when accounts reached us of the faithlessness and cruelties of Podgorze, and of enactments and restrictions intended to interrupt our commerce on the Danube. It was on these grounds, and from the utter hopelessness of seeing an end put to this aggressive policy, unless some practical steps were adopted by the Government, that he brought this important question again under the consideration of Parliament. If he failed in showing that it was our duty to be firm in resisting those aggressions, he would admit, that he was delaying public business by interposing this question when the order of the day was bringing up the Report of the Supply. He was aware, that this was an unwelcome and difficult question; unwelcome, because difficult—and difficult, because it involved mighty and momentous considerations—the existence of some nations, the honour of others, the interests of all. But then the Government of a great nation, and the Representatives of a free and a powerful people, were doomed to encounter difficulties such as these; and it was enough to ensure the easy conquest of them all, to remember that they occurred in the defence of the national honour, and in the protection and extension of our national interests. He would proceed to lay before the House a brief history of the events which had rendered it incumbent upon him to place before the House the subject to which his motion referred. It would be in the recollection of the House that the Polish question had formed the subject of consideration at the period of passing the Treaty of Vienna, and by looking to the details of the proceeding, by which a settlement of it was then brought about, some idea could be gained as to how far Great Britain and the other European powers were guarantees for redress to that unfortunate and devoted people. In a note transmitted by Lord Castlereagh to the plenipotentiaries of the other powers he used this language:

> "That it was England's wish to see some independent power established in Poland under a distinct dynasty of its own, and as a separation between the three great empires of Europe.
>
> "Experience has shown that the happiness of Poland and the tranquillity of Europe cannot be secured by thwarting the national customs and habits.
>
> "An attempt of this kind would only excite among the Poles a spirit of disaffection and degradation, it would occasion revolts, and awaken the remembrance of great misfortunes. He earnestly requested the Sovereigns, upon whom the fate of Poland depended, not to leave Vienna till they had pledged themselves that the Poles, in their respective dominions, under whatever form of Government they might think proper to place them, should be treated as Poles."

This note constituted the basis upon which, as regarded Poland, the treaty was framed; and in reference to it the several powers expressed themselves in nearly similar terms. In reply to the note of Lord Castlereagh, Count Rasoumoffsk, the Russian Plenipotentiary said—

> "That the just and liberal principles which Lord Castlereagh's note contained, were received by his Imperial Majesty, with the most cordial approbation, and that he had been delighted to recognize the generous sentiments which characterise the British nation, and the enlarged and enlightened views of its Government."

Prince Hardenburgh, for Prussia, declared

> "That the principles laid down by Lord Castlereagh, as to the method of governing the Polish provinces, were in perfect conformity with the sentiments of his Prussian Majesty on the subject."

Prince Metternich, for Austria, said—

> "That the re-establishment of Poland as an independent state, with a national administration of its own, would have fully accomplished the wishes of his Imperial Majesty; and that he even would have been willing to make the greatest sacrifice to promote the restoration of that ancient and beneficial arrangement. . . He entirely agrees with the sentiments expressed by Lord Castlereagh in his memorial, of the wishes of his Court, as to the future lot of the Poles."

Prince Talleyrand in writing to Prince Metternich, observed—

> "Of all the questions to be discussed at the Congress, the King would undoubtedly consider the affair of Poland as incomparably the most important to the interests of Europe, if there be any chance that this nation, so worthy of regard by its antiquity, its valour, its misfortunes, and the services it has formerly rendered to Europe, might be restored to complete independence."

Such were the solemn prelude to the settlement which was subsequently determined upon; but if any thing were wanting to make the treaty more solemn than it was rendered by the terms in which it was worded, it was to be found in the letter which the Emperor Alexander addressed to Count Otronksi, the President of the Polish Diet. In that letter the Emperor thus expressed himself:—

> "It is with peculiar satisfaction that I announce to you that the destiny of your country is about to be fixed by the concurrence of all the powers assembled at Vienna. The Kingdom of Poland shall be united to the empire of Russia by 'The title of its own Constitution,' on which I am desirous of founding the happiness of the country. If the great interests involved in general tranquillity have not permitted all the Poles to be united under one sceptre, I have at least endeavoured, to the utmost of my power, to soften the hardships

of the separation, and everywhere to obtain for them, as far as practicable, the enjoyment of their nationality."

Such was the language of the Emperor Alexander in 1815, and that was followed by the granting of the constitution of Warsaw in November of the same year. He referred to these points in order to show that the revolt of the Poles in 1830 was a lawful and justifiable revolt. The demand made the other day to the authorities of Cracow to deliver up the individuals concerned in that revolt five years before, was of a piece with the policy under which that devoted country had been exposed to a fate so unjust, unlawful, and unwarranted — a fate unwarranted by the laws of nations and the terms of treaties. The Emperor Alexander then had solemnly confirmed these guarantees. He knew that some opinions were muttered against the Poles, as if the revolt of 1832 justified all the subsequent proceedings. But such opinions were unworthy of every freeman, for the Poles had no less than the guarantee of two Emperors that the constitution given to them in 1815 should be held sacred and inviolable. After the treaty of Vienna, and in the year 1818, the Emperor Alexander, in his address to the Diet, was found expressing himself in these terms. He said,

> "Your restoration is decreed by solemn treaties. It is sanctioned by the constitutional charter. The inviolability of these exterior arrangements, and of the fundamental law, secures henceforth in Poland an honourable rank among the nations of Europe—a privilege the more precious, as she has long sought it in vain, in the midst of the most severe trials."

In 1825, his successor, Nicholas, was found dealing forth promises not only as strong and explicit, but binding himself by the most solemn and unqualified vows to their performance. The following were his words:—

> "Poles! we have already declared that our unchangeable desire is, that our Government should be but the continuation of that of the Emperor Alexander, of glorious memory; and we consequently declare to you that the institutions which he gave shall remain unaltered. I therefore promise, and swear before God, that I will observe the constitution, and that I will use all my efforts to maintain the same."

This was in 1825, and in 1832 they found the same hand substituting an organic state in lieu of that constitution which it had so solemnly sworn to maintain; or, in plainer language, every liberal provision was torn up and destroyed, and a standard of despotism raised on its ruins. The constitution granted by Alexander was grossly infringed by him and his successor, though it was not till after freedom of speech, freedom of the press, and freedom of the person, had all been grossly violated. It was not until a prince was sent to govern Poland, whose brutal conduct had made him unfit to govern Russia, that the Poles revolted, and they would have been unworthy of all regard had they submitted to such tyranny. It was his opinion that that he regarded as a lawful and constitutional one; and he did not think that it was necessary for him, before a British House of Commons, to go into any proof to show that such opinion was well founded. In order to give the practical result of the question as it, at the period to which he referred, stood, he would take the liberty of quoting the opinion expressed by the present Lord Ashburton, then Mr. Baring, in his place in that House:

> "It must be admitted, that a more righteous rebellion never manifested itself in any country, or that this unhappy people were, if any ever were, justified in opposing the Government which was established in them. For what was that Government? The empire had rejected Constantine, the legitimate heir to the Throne of Russia, from his unfitness to reign over any body of men; and yet this miserable and incapable being was sent to reign over the unfortunate Poles. I most firmly believe that if ever there was in the whole history of mankind a justification for raising the standard of rebellion, it was in this case."

On this point he would take the liberty of quoting short extracts from the works of two sound constitutional writers. Vatel observed—

> "If the prince, attacking the fundamental laws, gives his subjects a legal right to resist him—if tyranny, becoming insupportable, obliges the nation to rise in their defence, every foreign power has a right to succour an oppressed people who implore their assistance."

De Lolme, on the right of resistance, also observed—

> "But all those privileges in themselves are but feeble defences against the real strength of those that govern. What would be the resource of the people if the prince, suddenly freeing himself, as it were, out of the constitution, should make no account of his convention, or attempt to force it to his will? It would be resistance."

Upon this authority alone he held, that the revolt of Poland—if revolt it could be called—was a lawful and constitutional revolt, and consequently that the attack made the other day on Cracow was a flagrant violation of every thing which ought to be held solemn among nations. It was unnecessary for him to go in detail through the acts which preceded and followed that attack. They were too well known to require comment. Need he go beyond that act of treachery by which some hundreds of captives, instead of being sent to the destination mentioned in the proclamation calling for their surrender, were dispatched into those scenes of hopeless misery and languishing death, which they found already crowded with the victims of a feeble policy. England was much to blame in regard to Poland, but he nevertheless believed that she would yet, in some degree, prove the deliverer of the unhappy Poles, and that ere long some of those hopes they had so near their hearts would be realized. It had been said of the Poles, that they were an ungrateful people, and they were taunted with not being sufficiently sensible of the advantages and privileges they enjoyed under the Russian Government. What a cruel mockery was this. It was but to be equalled by the language used by Nicholas, in his speech of the other day at Warsaw, when he said—

> "Among all the disturbances which agitate Europe, and all those doctrines which shake the social edifice, Russia alone has remained strong and intact. Believe me, gentlemen, that it is a real blessing to belong to this country, and enjoy its protection."

This was bold language. He believed that its imperial author was a great man, and a brave man, and he believed that he had more than once stood within the reach of a cannon shot; but when he thus stood forward in opposition to those liberal opinions which were so rapidly diffusing themselves through every European state, and by the current they created, did so much towards clearing the political horizon of the pestilential mist which, for so many centuries, obscured it, he showed himself in a character alike remarkable for its bold daring, and reckless courage. It would, however, ere long, be proved a vain effort. The words of one of the most popular of the British poets might be applied to him—

"Tyrants, in vain ye trace the wizzard ring,
In vain ye limit mind's unwearied spring.
What! can ye lull the winged winds asleep,
Arrest the rolling world or chain the deep?
No: — the wild wave contemns your sceptered hand;—
It roll'd not back when Canute gave command!"

The question was, the maintenance of treaties to which England was a party, and on which the peace of Europe was founded. He contended, that the treaty of Vienna gave to Poland a constitution, in the fullest sense, free and independent. The distinct existence of the kingdom of Poland with its constitution were guaranteed; in short, the ancient kingdom of Poland, with the same constitution it possessed in 1722, was, by the treaty of Vienna, to be restored. This, at all events, was the plain English of the treaty, and unless there was truth in the celebrated remark of Prince Eugene, "that 100,000 men constituted a better guarantee than 100,000 treaties," he hesitated not to say, that countersigned as it was by all the assembled powers of Europe, there never was a better guarantee than that given by it to the people of Poland. In leaving Poland, and adverting to Turkey and the country round the Euxine, but still keeping in view the offensive policy of Russia to the civilized world, he thought he could show, that the conduct of Russia, territorially, politically, and commercially, had no parallel in the history of the world. She had not taken the manly means of invasion and conquest, she had proceeded with her aggressions stealthily and secretly, and had exhibited the spectacle of the dissembling strong seizing every opportunity of obtaining unjust advantage over the helpless weak. It was true that Russia had expressly declared, that she entertained no ulterior intentions with respect to Constantinople and Turkey, but who believed her? For his part he preferred an adherence to the terms of treaties to all the hollow declarations that could be made by any power interested in their violation. He would refer to the terms of treaties, and the manner in which Russia had conducted herself with respect to them, in order to show, not merely the ulterior but the immediate views of the Cabinet of St. Petersburgh. It was to prevent the accomplishment of those views that he had felt it to be his bounden duty to bring the subject under the consideration of the British Parliament, and to ask, in as emphatic a manner as he was able, the attention and the action of his Majesty's Government with reference to it. He was apprehensive that the fatal disbelief which had unfortunately existed in some quarter as to the conduct which it had been in the contemplation of Russia to pursue with respect to Poland was calculated to lead to most disastrous consequences. There were sometimes questions which divided Cabinets. If this was one of them, he implored his Majesty's Government carefully to re-consider all the circumstances of the case, in order to take advantage of the existing state of tranquillity and prosperity at home, to give to this country that power abroad, in which alone could be found any security for our commercial and other rights and privileges. Did they suppose that, without some vigorous measures, they could stop Russia in the course which she had adopted. How erroneous had the opinions entertained on that subject been proved by circumstances. In June, 1832, the noble Lord, the Secretary of State for Foreign Affairs, said,

> "As to the idea which seems to be entertained by several gentlemen of its being intended to exterminate a large kingdom, either morally or politically, if it be seriously entertained anywhere, it is so perfectly impracticable, that I think there need be no apprehension of its being attempted."

Everybody knew what had since occurred with respect to Poland. Now with reference to Constantinople. The conduct of Russia with reference to Constantinople, had been brought under the consideration of the House in 1833, by the hon. and learned Member for Tipperary. At that time the noble Lord, the Secretary of State for Foreign Affairs, observed—

> "The hon. Member complains that Russia is about to play the same game at Constantinople as she did in Poland; but I am convinced, that the Russian troops will shortly evacuate Turkey, if they have not already done so, and that she will fulfil the pledge she has given on this subject, not only to England, but to the whole of Europe. I do not think that it enters into the policy of Russia to make an attempt at a partition of Turkey; but if she should make the attempt, it is impossible she could be successful."

That was the opinion of the noble Lord at the time to which he had alluded; and that was, no doubt, the opinion, at that same time, of the Cabinet of which the noble Lord was a Member. But what had since occurred with reference to the evacuation of Turkey by the Russian army, and with reference to the designs of Russia upon the Turkish territory? That the Russian troops were still in possession of some of the principal Turkish provinces; and that the Russian aggressions had confirmed the suspicion of her ulterior designs on the integrity of the Turkish empire. He knew that he had two classes of opponents to deal with on the present occasion. The one consisted of those who thought that the connection with Turkey was of no value to us, either commercially or politically, and, therefore, that we were not called upon by any considerations of interest to make any stir in the matter: the adherence to the old doctrine, of the policy of an insular state abstaining from all interference with continental disputes, and trusting entirely to its wooden walls for security. That was the opinion which the hon. Member for Bath had maintained in the last debate on the question. He would not argue with those who thought that the connection with Turkey was of no value to this country. But there were those who, while they admitted the great value of a connection with Turkey, and with the countries adjacent to Turkey, to England, and the civilized world, seemed wilfully to shut their eyes to the danger with which that connection was threatened by the conduct of Russia. He would assume, as an indisputable fact, that a connection with Constantinople and Persia, and the countries between Persia and our East-India possessions was inestimable, both in a commercial and in a political point of view. The best way in which he could make this appear, was by giving a slight sketch of the value of the trade which was endangered by the circumstances to which he had alluded. He would, however, first say something of the spirit on which the Turkish commercial code was formed. This he would do from authentic sources. The free and liberal spirit of the Turkish commercial code had long been famed, and we have found great advantage from it in the hour of need. It well deserved the study and support of his right hon. Friend, the President of the Board of Trade. A notice of it, lately published under authority, at Constantinople, stated—

> "Good sense, tolerance, and hospitality, have long ago done for the Ottoman Empire, what the other states of Europe are endeavouring to effect, by more or less happy political combinations. Since the throne of the Sultans has been elevated at Constantinople, commercial prohibitions have been unknown. They opened all the ports of their empire to the commerce, to the manufactures, to the territorial produce of the whole world. Liberty of commerce has reigned here without limits, as large, as extended as it is possible to be. Thus the markets of Turkey, supplied from all countries, refusing no objects which mercantile spirit puts in circulation, and imposing no charge on the vessels that transport them, are seldom or never the scenes of those disordered movements which, occasioned by the sudden deficiency of such merchandize with exorbitantly rising prices, are the scourges of the lower orders, by unsettling their habits, and by inflicting privations. From the system of

restrictions and prohibitions, arise those devouring tides and ebbs which sweep away in a day the labour of years, and convert commerce into a career of alarms and perpetual dangers. In Turkey, where this system does not exist, these disastrous effects are unknown."

He would now proceed to describe the extent of the trade enjoyed by this country with Turkey. It was distinguished by this characteristic, that while the other outlets of our foreign trade were declining, including our trade with Russia, our trade with Turkey was perpetually and amazingly increasing, and appeared to have no limit. In proof of this statement, he would show, from official documents, the increase which had taken place in two great articles of our trade with Turkey, from the year 1827 to the year 1834. In 1827 we exported to Turkey 11,560,172 yards of cotton cloth, and 647,094 pounds of cotton twist. In 1828, when Turkey was engaged in war, we exported to that country 4,719,481 yards of cotton cloth, and 156,860 pounds of cotton twist. In 1829, when Turkey had concluded peace, we exported to Turkey 15,566,350 yards of cotton cloth, and 662,538 pounds of cotton twist. In 1834 we exported to Turkey 28,621,490 yards of cotton cloth, and 1,989,851 pounds of cotton twist. Such was the state of the trade which the petitioners to that House declared was placed in imminent jeopardy by the conduct daily pursued by Russia; such was the state of the trade which those petitioners prayed the House to take some measures to protect. He would now advert to the value of the manufactures of this country exported to Turkey. In 1827 that value was 531,704*l.* In 1828 (when, as he had already observed, Turkey was engaged in war), it was only 185,842*l.* In 1829 it rose to 568,684*l.*; and in 1834 it amounted to 1,207,941*l.* The chief imports from Turkey were silk and wool. In 1827 the import of silk from Turkey was 358,757 pounds; that of wool, 315,807 pounds. In 1834 the import of silk from Turkey was 419,368 pounds; that of wool, 1,474,322 pounds. The total of the cotton manufactures exported from the United Kingdom in 1834, was 355,793,809 yards, valued at 14,157,352*l.*; of which Turkey took 28,621,490 yards, and paid 828,245*l.*; taking one out of fifteen of the goods of that description which we exported. He would next allude, for a moment, to the tariff of Russia, in order to assert, that it was as manifestly hostile and restrictive towards England, as the commercial code of Turkey was open, liberal, and free. The tariff of Russia had been closing gradually upon us, just as she became independent of our supplies, and now it amounted to one almost unbroken enumeration of articles prohibited. The value of our manufactures sent to Russia and to Turkey was, in 1827, to Russia 1,408,970*l.*, Turkey 531,704*l.*; of which cotton twist amounted to Russia 933,204*l.*, Turkey 39,694*l.*; in 1834, to Russia 1,382,309*l.*, Turkey 1,207,941*l.*; of which cotton twist amounted to Russia 1,037,533*l.*, to Turkey 109,723*l.*; thus the export trade to Russia had declined, whilst that to Turkey had increased 100 per cent; and the exports to Russia must still greatly diminish, of which this year's Returns would furnish a melancholy proof. It would be observed, that cotton twist formed almost the sole export to Russia. This, in fact, was but a sort of half-manufactured article, and was admitted by Russia solely to enable her to complete the manufacture, and to compete with us in the markets of Turkey and Persia. Already she had become independent of certain qualities of twist, which accordingly were prohibited. The consequence was, that many of our merchants were closing their transactions in that quarter as fast as they could. He would tell the right hon. the President of the Board of Trade, if he did not know it, that a merchant of great eminence, well known to the right hon. Gentleman, who had once been in the habit of exporting between three and four millions of pounds of cotton twist to Russia, had gradually drawn in his concerns, and that in the present year, in consequence of the state of Russia, and of the policy which that country appeared to be pursuing, he had entirely given up his Russian trade, and had not sent a single pound of twist thither. The right hon. Gentleman might, perhaps, say, that the respectable individual in question had been "frightened from his propriety" by circumstances which would not affect others. But such was not the case. For not only that individual, but others had gradually reduced their trade by two-thirds, on finding the hostile disposition of Russia, and had ultimately determined not to risk any of their property by sending it to that country. The trade to Turkey was exclusively carried on in British shipping. The trade to Russia was also so carried on in a great measure. But there was this great difference between the two branches of commerce—that to Russia our own ships went empty, and returned full of Russian produce, while to Turkey they went full of British produce, and returned, unfortunately as he thought, empty, in consequence of our bad policy. What was the amount of the tonnage of British shipping employed in the Turkey trade? In 1831, 28,249 tons; in 1832, 28,882 tons; in 1833, 24,831 tons; and in 1834, 20,789 tons. In plain language, our tonnage in the Turkey trade was equal to our tonnage in the China trade. The Turkish manufactures had given way before the abundance and cheapness of our own. Of 600 looms for muslins busily employed at Scutari in 1812, only forty remained in 1831; and of 2,000 weaving establishments at Tournovo in 1812, only 200 remained in 1831. Under these circumstances, it was worse than blindness—it was madness—to shut our eyes to the advantages resulting from the trade which the petitioners to that House declared was in the most imminent danger of destruction. Now, with reference to our trade with Persia. In 1830, the transit trade through Trebisond consisted of about 5,000 bales, valued at 250,000*l.*; in 1834 it had increased to 12,000 bales, valued at 600,000*l.*; and in 1835 to 19,300 bales, valued at 965,000*l.*, notwithstanding the cholera and plague both raged at Trebisond, and in the ports of Persia, commercially connected with it during 1835. Thus in five years (from 1830 to 1835) trade increased 140 per cent.; in the sixth year, as compared with the first, 300 per cent.; and, as compared with the preceding year, 60 per cent.; consisting of European manufactures, nine-tenths of which were British. The individuals who carried on that trade, came to-night before the House by petition, and declared, that this trade was in danger from the ambitious views of Russia, and that it must follow the fate of the trade to Turkey should Russia prevail, who was resolved to destroy both. The trade to the Danube was another point to which he was desirous of directing the attention of the House. By one of the articles of the treaty of Vienna, the trade to the Danube was to be entirely free and unrestricted, and open to all descriptions of commercial enterprise. The Danube was the inlet to Wallachia and Moldavia; our intercourse with which principalities was a subject of jealousy to Russia, both in a political and in a commercial point of view. In spite of that jealousy however, our trade in that quarter had increased; and last year amounted to nearly 6,000 tons. If the Russians allowed that trade to be carried on without impediment, it would soon become very extensive. Such was the state of our trade with Turkey, and with the adjacent countries. When the extent of that trade, and when its constant increase, were considered, none but a Russian in interest and principle could deny, that it was a subject well worthy the attention of the British Legislature and Government. That such was the opinion of every British merchant who traded with that quarter of the world, was equally undeniable. But it must not be supposed that when he talked of British interest, he talked of something solitary, of something far removed from the interests of other European communities. On the contrary, every nation and people of Europe was earnestly beckoning to us to interfere to prevent the destruction of the trade with Turkey; and by Turkey herself that wish was strongly felt and expressed. Our interests were identified with those of other countries, particularly with the countries on the Euxine, whose fate might depend on us. Persia and Circassia were interested too and the struggle they had already made against the deadly designs of Russia shewed that we should not be without allies in that quarter. With respect to treaties, we had exhibited as to Turkey a blindness that seemed perfectly unaccountable. No treaty had been dictated by Russia from the treaty of Bucharest in 1812, down to the mysterious treaty of St. Petersburgh in 1834, which did not bear him out in saying that the Czar's progress had been a continued series of aggressions, not only territorial, but commercial. He would first take his stand on the fatal treaty of Adrianople. Why had not this country exercised the power which it possessed to prevent the conclusion of that treaty? It had been the source of all the embarrassments and all the evils which Turkey had since undergone. We had had the power, by the exercise of a moral interference, to prevent the conclusion of that treaty, but we had neglected to do so. He spoke in the presence of a right hon. Baronet and a noble Lord who were Members of his Majesty's Government at the period in question, and he repeated that the treaty of Adrianople had been the destruction of the best interests of Turkey. It gave to Russia privileges, and power, and a footing, of which she ought never to have been put in possession. Having saddled Turkey with a debt of four millions, Russia took as a security the fortress of Silistria. The treaty obtained privileges for Russian merchants, superior even to those enjoyed by Turkish merchants, and vastly superior to those enjoyed by the merchants of other countries. It secured for the Russian merchants in Turkey the privilege of paying only half the rate of duty paid by others; and it also secured for them the privilege of living under their own laws, and not under the laws of Turkey. It gave to Russia 200 miles of the Circassian coast, and it most fatally gave to Russia the Delta of the Danube, with the alarming provision annexed, that six miles of the opposite coast should remain uninhabited. He had no hesitation in saying, upon the best authority, that it had been in the power of the English Government to prevent the treaty of Adrianople from being concluded merely by an expression of her wish that it should not be so. The military power of Russia at that time was small. She had only 15,000 men at Adrianople, 12,000 more had been landed on the shores of the Bosphorus; and there was another small force, making in the whole only 32,000 men beyond the Balkan. The Turkish Albanian army was of much superior force; and the day before the conclusion of the treaty, had cut off a Russian detachment: General Diebitsh had been reconnoitering, in order to endeavour to make good his retreat under the guns of Sir Pulteney Malcolm. But for the fatal policy which England pursued on that occasion every Russian soldier beyond the Balkan would have been compromised, and his retreat cut off. To effect this, no warlike demonstrations would have been necessary; all that was required was merely diplomatic interference. What was the state of Austria at the time in question? She was armed for the purpose of preventing Russia from carrying her ambitious designs into effect. Yet England had allowed a treaty to be completed, which had proved the source of numerous, deep, and lasting evils to the whole world. So delighted was the old Dutch Admiral Heyden, employed in the service of Russia, when he heard of the conclusion of the treaty of Adrianople, that he jumped out of his cot, and embraced the officer who brought him the intelligence. The terms of the treaty of Hoonkiar Skelessi were so injurious to England, so insulting to civilised Europe generally, and especially to the commercial interests of Europe, that it became a dead letter. The treaty of St. Petersburgh, of 1834, the contents of which were not publicly known until it was four months old, was a kind of peace offering to Europe, disgusted as she had been by the treaty of Hoonkiar Skelessi. What were the enactments of the treaty of St. Petersburg? First, Russia was to remit the Turkish debt. Next, she was to evacuate the Turkish provinces. She was to retain Silistria, and so to touch the treaty of Adrianople that she consented to abandon the nomination of hospodars during the lives of those at present in office. Such were the strides made by Russia against the existence of Turkey; but she had attempted others, some of which must inevitably involve us, as a party affected by her proceedings. He had endeavoured to state to the House the value of our great and rapidly-increasing trade with Turkey, and the adjacent countries, all of which depended upon the communication enjoyed through the Black Sea and the Danube. At Trebizond we had a great and most valuable trade, and those who ought to know best, asserted that it was in danger, whilst the Circassian coast beyond it was sternly blockaded by Russia, and we had no means of watching or resisting her encroachments. The Petitions presented this evening asserted that this great and important trade was in imminent danger, notwithstanding its increase might lead to a contrary conclusion; and who could be such good authority as those individuals engaged in the trade, and who unanimously asked protection for the future, and for redress for injuries already inflicted. Trebizond was an object of painful jealousy to Russia. Through it we were enabled to compete with her successfully in the Persian market. But Trebizond had been threatened with the presence of a Russian army. When Ibrahim Pacha's army was in Asia Minor, a Russian officer was despatched to the Pachas of Erzeroum and Trebizond, to inform them that in the event of Ibrahim's army marching towards Erzeroum, both that place and Trebizond should be immediately protected by the presence of a Russian army—another stroke in the cunning game of protection Russia had been playing. The secret and stealthy policy of Russia ought to be watched and guarded against. Her open and declared attempts at aggrandisement were not to be dreaded. Already she had laid a train for the destruction of our Trebizond and Persian trade. At the foot of Mount Ararat her frontier comes within nine miles of the line of Persian traffic. By the treaty of Turkoman Chai, in 1829, the river Aras was fixed as the boundary between Persia and Georgia, yet Russia retained lands on the right or Persian bank—in themselves of little value, as being unproductive, but in other respects invaluable in the views of Russia, as forming an easy stepping-stone to the province of Gheelan, or the Caspian, the chief silk-growing district of Persia, which has always been an object of keen desire to Russia, who once forcibly took possession of it, but without the power of retaining it. Russia had sent a consul to Erzeroum, the capital of Armenia, but our interests were not represented in that place of trade. The consequence was, that there, as elsewhere throughout these countries, the views of Russia were promoted at our cost and degradation. The Pacha's name was made use of for the purposes of Russia, in proscribing British goods. Russia interfered in local affairs, and dictated to the local authorities. At Erzeroum, the Pacha was a mere puppet in the hands of the consul, supported by the commander of the Caucasus; and there could be no doubt, whenever Erzeroum fell under Russian protection, Trebizond would be entirely at her mercy. He was aware that the professions of Russia were full of peace and good-will, but how did she suit her actions to her words? Cross the Euxine, and review her position and preparations there, and then listen, if possible, with credulity, to her peaceable professions. At Sevastopol the fortifications have been completed, and a garrison of 5,000 men established. There are at this moment ten line-of-battle ships fit for sea; eight frigates, twenty corvettes and brigs, and eight large steamers, British built. At Kiov, beyond Odessa, there was an army of 50,000 men, and in Bessarabia another of 40,000 was very recently reinforced by an increase of 25,000. The last news from these scenes of gathering strength was, that Paskevitch, the clever, the able, and the most unscrupulous of all Russia's generals, had been appointed to the command. He commanded in Persia; he governed at Warsaw; he it was who issued the proclamation for the forcible and horrible banishment of the children of Poland. His presence in Bessarabia, with an army of 100,000 men under his command, was a startling commentary on his emperor's professions of peace and good fellowship towards the Principalities and Turkey! Silistria, a solitary fortress, and the key to the Provinces on the Danube, was garrisoned with 700 men, and governed by Mouravieff, who commanded the expedition to the Bosphorus, and who entertained, as was well known, the opinion that Constantinople and the Bosphorus were the natural boundaries of Russia. The garrison of Silistria was joined to Bessarabia by etapes, or relays, amounting to 4,000 men. Silistria was beyond the Provinces, and this line of communication ran through their greatest length. But they were told that Silistria was to be evacuated, and restored to Turkey, whenever the remainder of the debt, extorted by Russia, was paid. But there was danger beneath this smooth and specious profession of Russia. Let the noble Lord see that the money received by Russia, for the ransom of Silistria, was not expended in the fortification of the Dardanelles; for the latest reports amounted to this, that the fortifications of the Dardanelles were immediately to be repaired, whilst those of the Bosphorus were not to be restored. The Principalities of Moldavia and Wallachia were objects of deadly jealousy to Russia. They vie with her in her staple productions, and their princes were liberal and enlightened men, anxious to draw close their connexion with England, through her merchants and their ships. "My country, myself, and all my resources," said the Prince of Moldavia to an enterprising English traveller, "are at England's service;" while the Prince of Wallachia had been heard to assert, that if the flag of England was to be seen at the mouth of the Danube, he could then speak out. The speech of Prince Milosch, made last year to the Servians, had been applauded by every free people; and it was such spirits as these governing the Principalities and the people that have fallen to their lot, with a determination to render them wise and industrious, and independent, that has roused the jealousy and destructive designs of Russia against them. Thus relying on positions bristled with fortifications, Russia ventured to lay hands on British shipping, and to arrest it, in spite of the treaties of Europe, and in spite of that indignation which was naturally expressed by the subjects of the British nation. Many ships had sailed, and others were going out, to whose captains strict orders had been given not to submit to the right of boarding and search, which Russia had lately claimed. Of course the fate of those ships must be inevitable, unless some expression of opinion were made on the part of that House. He hoped that a strong expression of opinion would be made that night. Unless that were done, British shipping, to the amount of not less than 5,000 tons, would, of course, be seized, and marched off to Odessa, until the insolent commands of Russia were complied with. His noble Friend, the Foreign Secretary, would tell him that remonstrances had been made upon the subject. He was fully aware of that fact. But what was the character of the reply? Worse than the insult itself. Lord Durham, acting upon instructions received from England, remonstrated with the Russian Government for the hindrance which had been given to British trade. He had been referred to Count Nesselrode, Count Nesselrode referred to the Governor of South Russia, and the Governor of South Russia again referred to the Consul at Gulatz, who communicated with the British Consul at Ibraille, who was instructed to send down the captains from whom toll had been exacted, to the mouth of the Danube, the scene of their injuries, in order that inquiry might be made into the subject, it being well known that the captains thus referred to, were then in England. This was what England had brought herself to, by her slack and blind policy towards a foe who never would have dared thus to insult her if, in the first place, she had assumed a proper tone, and made a demonstration by her natural means of defence, her powerful fleet. He was afraid he had trespassed too much upon the patience of the House. His cause must plead his excuse. He had carefully refrained from introducing any topics, or discussing any matters except those which had a direct bearing upon the points he wished to bring under the consideration of the House. He had refrained from alluding to the universal aggression and interference of Russia in Egypt, in Syria, in Greece, and even in Sweden, in which latter country she had the insolence, uselessly, except for some sinister purpose, which yet remained unexplained, to fortify a strong position, by which she would obtain the complete command of the Baltic. In this new work, too, she had the further insolence to employ the captive Poles, whom she had decoyed, under fale pretences, from Warsaw. He, in consequence of the anxiety he had manifested on the subject of Russian aggression, had been accused of wishing for war. If the protection of our rights and privileges, as citizens of an independent country—if a wish and a determination to protect those rights and privileges—implied a wish for war, then he must plead guilty to the charge. But he would answer the accusation in the words of Mr. Canning, and would say, as that enlightened statesmen had said on a former occasion, "I am anxious to nip growing hostilities in the ear, and not to allow foreign aggressions to ripen into maturity, in order that they may be swept down by the scythe of a magnificent war." That was his object; and in mentioning Mr. Canning's name in conjunction with the foreign policy of the country, it was impossible to forget another remark which fell from those eloquent lips, that "where the British flag was unfurled, there foreign aggression must not come." He was afraid he had not made this lengthened statement without trespassing unduly on the patience of the House; he trusted, however, he had done so without trespassing on those grounds of discretion which ought to be observed in a question of this important and difficult description. He was fully aware of the difficulties by which the question was surrounded, and he was not less aware of the fact, that those difficulties affected, in a ten-fold degree, those who had to deal practically with them. He hoped the debate he provoked would not lead to an increase of those difficulties as regarded his noble Friend, the Secretary for Foreign Affairs, and his colleagues in office. He should be sorry that such should be the result of the course he had taken; but he must plainly say, that his object was, to show how, in a commercial country like this, with its immense commercial interests spread around, some secure, and some, as they saw, in jeopardy, it was the duty of the Government to extend an adequate protection to all. He again warned the Government, that a vast quantity of shipping recently sailing from England, had received instructions not to submit to the search of the Russian authorities, and he claimed, in the name of a large body of intelligent and enterprising men, that protection, which from England was a blessing and a security, but which from Russia was a curse. He claimed that protection, which he thought the British merchant had at all times a right to expect, but especially now, when Parliament had so recently voted an increase of one third of our naval force, for the express purpose of protecting the trade of England. In conclusion, he had only to thank the House cordially for the kind manner in which it had listened to him, and to repeat, that he should deeply regret if the difficulties of the Government should in any degree be increased by the debate to which his motion would lead. He thought, however, that that could not be; because, if, as he hoped and expected, there should be an unanimous declaration of opinion upon the subject by the Representatives of the very prosperous and powerful people of these British islands, not all the vain bluster of Russian power, as at Kalisch—nor the doublings of a deep and designing policy, as at Adrianople, would be enough to prevent them in their determination to uphold the honour and sustain the interests of their native country. Such a determination, which he hoped the House would come to, instead of increasing difficulties could only give additional power and strength to the Sovereign and his advisers; and to their instant vigilance he commended the great interests he had had the honour of bringing under the consideration of the House. With these observations he begged to move—"That a humble Address be presented to his Majesty, praying that he will be graciously pleased to order a diplomatic agent to be forthwith sent to the free and independent State of Cracow; and that his Majesty will be graciously pleased to take such steps as to his Majesty may seem best adapted to protect and extend the commercial interests of Great Britain in Turkey and the Euxine."

Sir *Edward Codrington* said, that in rising to second the motion of his hon. Friend, he should as much as possible confine himself to the topics which his own professional experience gave him a claim to speak; and, in the first place, he hoped he might be permitted to say a few words to remove a misrepresentation which the French papers had given circulation to, directed against himself. It was there said, that he had spoken disrespectfully of the Russian people. This, he could assure the House, he had never done; and from his experience of Russian soldiers and sailors, was not at all inclined to do so. Numbers had served under his command in the Mediterranean, and he felt on the contrary disposed to give them every credit as a brave and well-conducted force. He was confident, that the Russian people encouraged the most friendly feelings towards this country, and it became us to meet their goodwill in the spirit of honourable reciprocity. He would call the attention of the House to the position which Russia was at this moment assuming as a maritime Power, and they would see the necessity of meeting the facts of the case by more active proceedings than appeared at present to be in the contemplation of the Executive. Russia had twenty-five sail of the line in the Baltic and ten in the Black Sea, and appeared to be ready for demonstrations in either the north or south of Europe. The British maritime force, on the contrary, was neither concentrated nor available. All the ships in commission were liable to be sent to the Mediterranean or elsewhere, and, without some degree of forethought was exercised, the consequences might be serious to the peace of Europe. His profession was war; and it therefore might be said, that, in thus supporting the motion of his hon. Friend, he was urging on a topic in which he had a personal interest; but he assured the House, that this was far from being the case. He had seen too much of the evils, and cruelties, and sufferings induced by warfare to wish to enter on it lightly. His present statement was meant to prevent it if possible. He was convinced that if we were to put forth our maritime force as we had done on former occasions, Russia would not have dared to have acted as she had done. It had been said, that the battle in which he had been engaged on the shores of Greece had led to the present alarming position of Russia, and prostrate condition of Turkey; but that was not the case. A proper provision for the peace of Europe had been previously made by the Treaty of Vienna, and if Mr. Canning had maintained and executed that Treaty, as he ought to have done, no such disastrous result would have accrued to Turkey as had in consequence taken place—results which some people had supposed had been occasioned by his interference, whereas he had confined himself to the strict performance of his orders. He believed the Emperor of Russia had really not been guilty of such evil designs as had been ascribed to him in his proceedings against Turkey, and he was sorry to hear him spoken so badly of as he had been in that affair. He would ask any hon. Member, who had any doubt on this subject, to refer to the Greek papers, and he would find that, if the Emperor's propositions had been acceded to, we should never have heard of those troubles. Before the battle of Navarino, Nicholas had asked the Sultan to agree to the treaty of London. This, however, was refused by Turkey, and then Nicholas had declared that, if they persisted in their refusal, war should be declared. If he had been supported as he ought in this demand by the three Powers concerned, Turkey would have acceded to it. At that period Russia had agreed that the allied fleets should retire, and that none should profit by their previous successes, and had Turkey had the wisdom to accede to the treaty, Russia would have had no pretence to get her into her power. At that period some unfortunate change (he must call it) took place in this country which introduced measures which led to a breach in the alliance, and to the offer of an insult to Russia, who thereupon declared war against Turkey. He held in his hand the Greek papers proving these facts, and would read them to the House if they wished. He had been taunted by vulgar and ill-informed men with originating this unfortunate position of affairs, as if he had anything to do with it beyond the strict line of his duty, which led to an event of signal importance, as laying the foundation of the liberties of a country in whose behalf all Europe felt deeply interested. With respect to the aggressions now feared on the part of Russia, we had the means in our power to stop them completely, by arming and fitting out a fleet, and holding it in readiness to act at the moment we might need it. If we still remained unprepared, advantage would be taken of our incapable position; we might expect insults if we intermeddled, and so be led on by insult and injury to commit ourselves in a war that we might avoid by being prepared to meet it. At present we were in danger of seeing our commerce with the East destroyed, our allies lost, and our honour, as a powerful and leading nation of Europe, compromised and degraded. It was an old and a good maxim of British policy that where our trade was there should be our ships. The trade we carried on in the Baltic was hardly worth our protection, while that in the Black Sea was hourly increasing with Turkey and the provinces bordering on Persia. The House should recollect, that in all our dealings with Turkey and Persia everything was carried thither in British bottoms. Our ships went loaded with our most profitable manufactures instead of money, in exchange for the richest fabrics of the East. There were no difficulties thrown in the way of our commerce with the East by Turkey—no Custom House interposed its duties and regulations to retard the introduction of British goods — no Prussian League existed to maintain a systematic monopoly and an exclusion of foreign manufactures—no Autocrat like the Emperor of Russia to send them back again, or confiscate them at his pleasure. Turkey was, of all countries, that with which we could most advantageously carry on a commercial intercourse. The great difficulty which existed in the way of our intercourse with that country arose from the conduct of the Viceroy of Egypt. He was, however, entirely at our mercy. With our powerful fleet contiguous to his arsenal, if we said that he must cease hostilities with the Porte, that moment he must stop. The Viceroy had of old felt the strength of our representations on the subject of the evacuation of the Morea, where he had the honour of becoming acquainted with him. The Viceroy at that period had received orders to resist all applications to induce him to evacuate it at the risk of his head, and he did resist accordingly; but he was as pressing on the other side, so the Viceroy was sadly puzzled; but at last prudently yielded to necessity, and evacuated the Morea. He had no doubt, that the same means employed with this Potentate would again produce similar effects; and if we prevented him from disturbing Turkey, he was confident she would be able to defend herself against Russia. But it might be asked, how could England interfere effectually without entering into hostilities? Very easily. Russia had a fleet in the Black Sea, and it might easily be arranged, that at the instance of Turkey, England also should send a fleet there, and thus put an end to all opportunity of Russia carrying on a war in that quarter. With respect to operations in the Baltic, he looked on the fortifications which Russia was erecting in the island of Aland, close to the coast of Sweden—as evidences of a similar intention on the part of Russia to aggrandize herself at the expense of her neighbours in the north as she had already done in the south. She had a numerous flotilla anchored beside the island, and every thing prepared to enable her to awe Sweden into submission whenever she might think proper. He did not propose to meet this danger by sending a fleet into the Baltic, as he knew the dangers of that sea, but it would be highly desirable to form an alliance with Sweden, and put an end to the projects which threatened the repose of Europe in that quarter. He was not anxious, at his time of life, to go to war; on the contrary, he should lament it exceedingly; but if we were not to have a war with all the expense and misery it entailed it would be by a maritime exertion sufficient to render it superfluous. With this view he had taken the liberty to second the motion of his hon. Friend, and hoped it would meet with the full approbation of the House.

Viscount *Palmerston:* in rising to answer what I must now call the very able and eloquent speech of my hon. Friend, the Member for Lancaster, I select, in preference to other topics to which he adverted one which he introduced only incidentally, but which I feel anxious to reply to before I proceed to other parts of his speech. My hon. Friend seems to entertain an opinion that upon these great questions to which he has directed the attention of the House, the Cabinet was divided in opinion. Now I can assure my hon. Friend, and I beg also to assure the House, that neither upon these questions, nor upon any others dos there exist any division or difference of opinion amongst his Majesty's Ministers. I can assure the House that we all of us entertain the same view of these questions —that we are desirous, in the first place, to maintain peace as long as peace can be maintained consistently with the honour and interests of the country—that we are deeply sensible of the great importance of those interests which are involved in the questions to which the hon. Member has referred; but we believe that if Parliament will place their confidence in us—if they will leave it to us to manage the foreign relations of the country, assured that we shall not neglect our duty—if Parliament will give us this confidence, we fancy, and I believe we do not deceive ourselves therein, that we shall be able to protect the interests, and to uphold the honour of the country, without being obliged to have recourse to war. I have thought it necessary to advert to that fact—first, because I now see there could be nothing which would tend more to defeat the objects which my hon. Friend has in view—that there could be nothing which would tend more to paralyse the efforts of the British Government in their negotiations with foreign nations, than the notion that there existed a division of sentiment in the British Cabinet, and that all the Members of the Administration did not entertain the same opinions upon these great and important questions. My hon. Friend began the review which he has taken of these questions, by starting at a very remote period. His motion divides itself into two general topics—the question of Poland, and the question of Turkey and Greece. With regard to Poland, my hon. Friend began his review by adverting to the transactions which took place at the Congress of Vienna, and brought his review down to the recent events which have occurred in that country. I do not feel that I am called upon to follow my hon. Friend into the detailed review which he felt it expedient to take. It is not necessary upon this occasion to inquire what were the views of the British Government with regard to Poland at the Congress of Vienna. It is well known that the British Government did take a lively interest in the negociations which were then pending with respect to the Polish nation. It is not necessary for me now to repeat opinions which it has been my duty to express on former occasions with respect to the manner in which Russia has treated the Constitution which the Emperor Alexander gave to the kingdom of Poland. It is not necessary for me now to inquire how far the revolt of the Poles was justified by the violation of their Constitution, nor in what degree the organic statute, which was substituted for it, has been observed by Russia. I have stated on a former occasion, that I did not think the revolt of the Poles justified the abrogation of their Constitution. That opinion I still maintain, and that opinion the British Government has expressed to the Government of Russia. With regard to that part of the motion of my hon. Friend which applies to other matters—that part of it in which he proposes to request the Crown to send an agent to the state of Cracow—upon that part of his motion, I am prepared to state to my hon. Friend that Government do intend to send a consular agent to Cracow. I should, trust, therefore, that my hon. Friend will consent to withdraw that part of his motion. My hon. Friend may naturally feel gratified that the substance of his motion is about to be carried into effect, but I am sure he will also feel, that it would be an unusual interference with the exercise of the discretion of the Crown to point out to the Crown the propriety of appointing diplomatic or consular agents in this or that particular place. With regard to the other, and more material part of the address which my hon. Friend proposes to move, I confess it does not appear to me that he has laid any sufficient Parliamentary grounds to induce the House to accede to his proposition; and I am not without hope that I may persuade my hon. Friend to desist at all events from pressing his motion to a division.

Possibly I may call upon him to withdraw it, instead of formally taking the sense of the House upon it. I think if there were any one thing upon which this House would have more reluctance than another, to interfere with the discretion of the executive branch of the Government, it would be a matter relating to our foreign policy—connected with a question involving the alternatives of peace and war. The prerogative of peace and war, and the discretion in conducting the communications upon which the issues of peace and war depend, have wisely, I think, been left, by the Constitution of this country, in the hands of the Crown, and to the Crown's responsible advisers. And it appears to me, that unless there shall arise some great and flagrant case in which the Parliament shall suppose that the responsible advisers of the Crown have either done an act which was improper to be done, or have neglected doing that which it was their obvious duty to do, it would be more consistent with the practice of Parliament, and with the true principle of the Constitution, that Parliament should not unnecessarily, or irregularly, attempt to interfere in matters that do not pointedly require that they should express their opinion for the guidance of the Crown and its responsible advisers. Now the question is, on the present occasion, whether my hon. Friend has shown, that circumstances have arisen which require the interposition of Parliament in order to point out to the Government a course which the Government do not seem of their own accord disposed to follow. For my part, I do not think that my hon. Friend has established such a case. My hon. Friend has stated the great importance, politically and commercially, of our relations with Turkey, and with other countries lying beyond the Black Sea. The Government entirely concur with my hon. Friend as to the extreme importance in both those points of view—both politically and commercially—of our relations with those countries. We feel as strongly as my hon. Friend the extreme importance, with a view to the preservation of the balance of power in Europe, that Turkey should be maintained in a state of independence; and we also feel, as strongly as my hon. Friend, the great advantages to the commercial resources of this country, which may be derived from an extension of our intercourse with Turkey and Persia, and with any other country in that part of the world. The question then, is not whether the Government are alive to those considerations to which the speech of my hon. Friend points—but whether circumstances have occurred which show the existence of danger to which the Government are blind, and against which they are not likely to guard, unless driven thereto by the direct interference of this House. Now I own, that amply as my hon. Friend has established the first part of his case, I think he has entirely failed in establishing the second. My hon. Friend has shown, beyond the possibility of question, the great importance of Turkey, as an independent State, to this country, and I will say, to all the Powers of Western Europe. My hon. Friend has shown, by reference to former events, that it is necessary for the Government of this country to keep a watchful eye upon the political condition of Turkey, in order to be ready, in case hostilities should arise, to extend to Turkey such assistance as circumstances may render necessary. My hon. Friend has shown, with regard to the commerce of this country with Turkey and Persia, not only enough for the purpose he had in view, but I take leave to say, more even than would suit the object of his argument. He has shown that this trade is a trade of yearly increasing importance. He has shown that it is a trade of great importance, and of great promise to this country, which it is, therefore, highly necessary for the Government of this country to watch over, and that any interruption to which should be prevented by all possible means. But what are the facts which my hon. Friend has stated in support of that part of his argument? Why he has shown that during the last few years, that trade has risen from next to nothing to a very considerable amount. And what are the years during which this change has taken place. Have they been years when Turkey was in a state of profound peace and complete independence?—were they years in which there was no war going on to interrupt the tranquil pursuits of commerce, and in which the independence and authority of the Sultan was so firmly established throughout all his dominions as to enable him to afford ample protection to merchants and to the introduction of foreign commodities? Quite the reverse. This trade has increased during the years when Turkey was involved in intestine war, when every circumstance connected with the internal and political condition of Turkey was unfavourable, if I may so express it, to the development of commerce. During that period, and notwithstanding those circumstances, I am of opinion that my hon. Friend has proved, by the documents to which he has referred, that our trade with Turkey has increased in a most rapid and unexampled manner. Then with regard to Persia, the same observation applies. My hon. Friend has proved the fact, which I also have heard, that the amount of the imports at Trebizond during the last three or four years has increased from 450,000*l.* to 800,000*l.* But what was the state of Persia at the time? It has been but recently involved in a question of a disputed succession, and in a state of civil war, not long in continuance certainly, but involving all that derangement of the internal administration of the country which is peculiarly unfavourable to the development of commerce with other countries. If my hon. Friend had been able to show, that whereas some years ago we had had a large and important commerce with Turkey and with Persia, and that that commerce had, by the aggressions of other countries, or by the neglect of the Government of this, dwindled down to an inconsiderable trade, then there might have been ground to call upon Parliament to stimulate the dormant energies of the Government, to awaken them to a sense of the national interests, and to call upon them better to perform their duties. But when he has shown that, under circumstances naturally unfavourable, the trade of the country has increased to a great amount, that, I think, is a proof that the Government of the country is not dead to this important matter; and I believe it does afford a strong ground entitling me to appeal to my hon. Friend to forbear, on the present occasion, from interposing his motion with the authority of the Government, by calling on the Government to do that which, by his own showing, they are in the progress of accomplishing. As far as the conduct of the Government, therefore, is concerned, I contend that we do not require, in the present state of things, that degree of admonition—I do not say censure—which a vote of the House on this occasion might be supposed to imply. My hon. Friend next pointed the attention of the House to the aggressions which he conceives Russia meditates against us. I do not stand here to expound or explain the intentions of Russia. It is enough for us to look at facts, and deal with events that have actually taken place. I can assure the House there is no disposition on the part of his Majesty's Government to submit to aggressions on the part of any power, be that power what it may, and be it more or less strong. We are convinced if any power should be disposed to commit aggressions against the subjects of England, that if we came to this House and stated that such facts had come to pass, and that our remonstrances had been vain, and that we were not able to obtain redress—we are perfectly confident, I say, if we did this, that such an appeal never would be made in vain to a British House of Commons. But though I followed the speech of my hon. Friend with all the attention which I could command. I confess that I was not able to make out from his statement any specific fact which he alleged to have taken place. It appeared to me that the sentiments of those whom he represents, as well as the opinions he himself has expressed, consist rather of apprehensions with regard to the future, than of actual facts with regard to the past. Now, Sir, in dealing with the relations of this country with foreign Powers, it is not prudent or wise, I think, to anticipate wrongs. It is sufficient to deal with wrongs when they have occurred; and it is wiser, at all events, for Parliament not unnecessarily to announce apprehensions of injuries which have not actually taken place. Sir, we have had an instance not long ago of the inconvenience of popular assemblies dealing prematurely with questions between different countries. I think it is very evident if popular assemblies in France and in America had left it for their respective Governments to deal with the question of difference that lately arose between those two countries, the difficulties which attended its arrangement would not have been so great as they ultimately proved to be. My hon. Friend alluded in the first place to the danger of interruption to our trade by Russia up the Danube. He mentioned a case in which remonstrance had been made by Lord Durham to the Court of Russia, which was referred to Count Nesselrode, who referred it to the Governor of South Russia, and by whom it was referred to the Consul at Gulatz. Now, Sir, I know nothing of those circumstances; but I am quite sure, that whatever remonstrance may be made by Lord Durham to the Russian Government, with respect to any thing that may have been wrong in the intercourse between the Russian authorities and our merchants, that attention will be paid to them. But certainly it was natural that, upon the receipt of that remonstrance, reference should be made to the Russian authorities on the spot where the wrong had been done. There can be no doubt, I apprehend, that by the treaty of Vienna, the navigation of the Danube is free to the commerce of all nations. The 108th article says, "That all navigable rivers, which in their course either traverse or separate the different States shall be free to the commerce of all nations." Another article goes on to say, that those powers, through whose territories such rivers pass, shall appoint commissioners to regulate all matters concerning the details of the navigation of those rivers; and it empowers them to fix the tolls which may be levied, provided always that the tolls so fixed, shall not exceed the amount of the tolls existing at the time when the treaty of Vienna was signed. Now, at the period of the treaty of Vienna, the Danube was a river falling within this description; for although Turkey was not a party to that treaty, yet, as the Danube traverses Austria and Bavaria, that river would certainly come under the provisions of the treaty. But, undoubtedly, when Russia acquired a portion of the Danube by the treaty of Adrianople, that part of the river fell within the scope of the treaty of Vienna, as being a part of Russia. I am not aware that my hon. Friend has alleged any actual violation of that treaty. If I rightly understood him, he rested his argument chiefly upon what was expected as likely to occur with regard to ships now about to leave this country with a view to proceed to the Danube.

Mr. *P. Stewart* was understood to say, that a case of interruption had actually occurred with respect to some ships returning home.

Viscount *Palmerston:* I have received on official information that anything has occurred which is not warranted by the treaty: and I can only say, that when such a statement shall be made to me by the parties concerned, it shall be brought under the attention of the Government, and shall be dealt with by them in such manner as the law-advisers of the Crown shall deem consistent with the rights of the subjects of this country. But to refer again to the navigation of the Danube: I submit, that in the present state of things, no ground has been shown upon which this House could be called upon to take any step with regard to that part of my hon. Friend's case, and that that question, like the former, may fairly be left for the present in the hands of the Government, provided this House has equal confidence in us with regard to our foreign relations, as it has hitherto shown itself disposed to entertain with reference to the internal government of the country. Now, with regard to the trade by Trebizond, we showed the attention which we pay to these subjects, by appointing a consul at Trebizond between three or four years ago. I can assure my hon. Friend, that I am very much disposed to agree with him, that it would be expedient to appoint a consular agent to the very important quarter which he has suggested. My hon. Friend is aware that we have, at present, no commercial treaty with Persia. Our commerce with that country, at present, rests upon an ancient usage. We are now endeavouring to negociate a treaty of commerce with Persia; and although we have not yet succeeded in our object, yet I am not without hopes and expectation that we shall accomplish that purpose. My hon. Friend is aware that until last year the diplomatic relations between this country and Persia were carried on by an envoy, sent by the Governor-General of India, having no direct communication with this country. That has been altered. Our diplomatic agent in Persia is now a servant of the Crown, receiving his instructions from the Government at Home, and, therefore, by means of that direct communication with this country, he is calculated to be a much more effectual agent than a servant of the East-India Company could possibly be. I mention this merely as a proof that we are not at all insensible to the great importance of the subject to which my hon. Friend has directed our attention, and that we are constantly taking measures that appear to us best calculated to promote the national interest in those quarters. My hon. Friend has stated that, on former occasions, I had held out reasons inducing the country to entertain expectations as to the course the Government would pursue, but which expectations had not afterwards been realised. He stated, in the first place, that I had said, that it was not in the power of Russia to exterminate a kingdom, alluding to Poland. As that expression, attributed to me, has been quoted before in this House, I take the opportunity to correct a mistake in the report of what I really said. What I, on the occasion referred to, said was this—that it was impossible for Russia to exterminate, nominally or physically, a nation—I did not say kingdom. A kingdom is a political body, and may be destroyed; but a nation is an aggregate body of men; and what I stated was, that if Russia did entertain the project, which many thinking people believed she did, of exterminating the Polish nation, she entertained what it was hopeless to accomplish, because it was impossible to exterminate a nation, especially a nation consisting of so many millions of men as the Polish kingdom in its divided state contained. My hon. Friend also stated, that I had expressed an opinion that the Russian troops would evacuate Turkey, but that the Russian troops were, nevertheless, in Turkey still. Now, upon the occasion to which my hon. Friend alludes, the question was with regard to the Russian army that had come along the Black Sea, to occupy the neighbourhood of Constantinople. It was to that army, and that army alone, that my observation applied; and the expectation I then entertained has since been fully realized, because a short period after I expressed it, that army did return to Russia. It is perfectly true, that up to this period Russia has continued to occupy Silistria, and a portion of the principalities of Wallachia and Moldavia; but I may state, pretty confidently, to the House, that an arrangement is likely to take place between Turkey and Russia, by the payment of the money due from the former to the latter, that Silistria and the principalities will be really and *bonâ fide* evacuated. I do not state that as being actually certain; but I have good reason to believe it will happen. I am sure, therefore, that my hon. Friend will now feel that, at least, some of the apprehensions he has expressed may for a moment be suspended. Then I say, that the grounds upon which I should wish my hon. Friend to reconsider his intention on the present occasion, and not to press his motion on the House are these—that an address is that sort of interference with the discretion of the Government, which seems to imply an expression of dissent from, or distrust on, the part of the House, in the policy of the Government, which I do not think we deserve. Either he means that, or he means more; and if he intends to point to measures more nearly approaching to that hostility which was shadowed out in his speech, and a little more plainly alluded to by his hon. and gallant Friend, the Admiral, who followed him; if the object of his motion is not merely, that Government should keep a watchful eye upon these important interests of the country, and take care to protect them against any aggression or wrong, but that we should go further, and take steps which may bear the appearance of an intention to provoke Russia to war, I should say, that such a course would neither be politic nor consistent with the feelings of this House, nor the interests of this country. I conceive the feelings of Parliament and the interests of the country to be, that we should submit to wrong from no Power whatever; that we should not permit any Power to provoke us with impunity; but that we should also cautiously abstain from any thing which might be construed by other Powers, and reasonably so, as being a provocation on our part; that we should stand upon our rights, and defend our own, but wait till we are really attacked, and pause till we have really good and just ground of quarrel, before we disturb that state of peace so essential to the interests of civilization, and which it is the peculiar boast of these latter years, that all the nations of Europe have learned the value of; and which, I trust, if it is to be disturbed, as I hope it will not, will be disturbed, not by any rash or imprudent act on the part of England, but rather by the aggression of other powers, in resisting which England may carry with her into such contest the opinions and judgment of all mankind; and rally about her, as I am sure she would, if any wanton attack were made upon her, all the other nations of Europe, whose interests in these matters are, as my hon. Friend has justly stated, identical with those of this country.

Lord *Mahon:* if even I had not wished to take any part in this debate, I should still have been induced to rise by the remarks of the hon. Member for Lancaster (Mr. Stewart) on the peace of Adrianople, and on the line of conduct pursued at that time by the Duke of Wellington; and though the hon. Member is mistaken in supposing that I was in any way connected with the Foreign Department at that period, yet undoubtedly, when much later, in December, 1834, I was appointed to an office in that Department, I considered it one of my earliest duties to make myself as thoroughly acquainted with all the details of those negotiations, as the records within my reach would allow me, I think I shall be able to convince the House that the hon. Member for Lancaster is in error—that the integrity and independence of the Turkish empire have always been amongst the foremost objects of the Duke of Wellington's foreign policy, and that neither at the peace of Adrianople nor at any other period, has he ever lost sight of them. But I shall go yet further. I think I can shew that the painful and perplexing state of Eastern affairs is mainly owing, not to the Duke of Wellington, but to the policy, or rather let me say, the want of policy of the noble Lord opposite, the Secretary for Foreign Affairs. At the same time, I beg to assure that noble Lord that I shall most carefully avoid saying a single word that can by possibility throw any embarrassment in the way of any existing negotiation, or create even the slightest difficulty to his Majesty's Government.

Sir, in the first place, in justice both to the Duke of Wellington and to the noble Lord, I must say, that I think there is one fallacy running through the whole speech, not only of the hon. Member for Lancaster, but also, in a former evening, of that of the noble Lord, the Member for Arundel (Lord Dudley Stuart). Both these Members seem to assume, as a matter of course, that whatever changes have taken place of late years, to the disadvantage of Turkey and to the lowering of her rank among nations, must have proceeded either from ambition in Russia or neglect in England. Now I do not deny the operation of either of these causes, though at different periods, but I do say, that before investigating them it is not just to overlook other internal causes of decline which in themselves go a great way in accounting for the helpless and degraded state to which Turkey has fallen. Why what is the internal state of Turkey? Had we to deal with the same mighty nation which, no further ago than 1683, could plant its standards under the walls of Vienna, and pour hundreds of thousands of men into the plains of Germany? Or had we to deal with a nation broken in spirit and diminishing in numbers, and looking to foreign states no longer as objects of conquests, but for the succour of alliance? Despotism in Turkey had produced its never-failing effects. Those effects are often not perceptible at first, on the contrary it often imprints a momentary vigour, but it never fails to be followed by permanent decline. To those who consider the decreased population of Turkey, the consequently heavier burden of its invariable Land-tax, the distress and discontent of its people, and the decline of the Mahometan fanaticism, it will be apparent that there were many internal causes of national degradation, besides those which Russia may have produced, or which England might have prevented. Well, Sir, it was in this enfeebled condition of Turkey that war broke out between it and Russia, in the years 1828 and 1829. The hon. Member for Lancaster speaks as if the British Government of that day had remained a passive and indifferent spectator of that contest, making no exertions to obtain a speedy peace on favourable terms for Turkey. So far from this being the fact, I can assure the hon. Member that the official correspondence of that period displays the most eager anxiety, and the most incessant exertions for the preservation and independence of the Turkish empire. At Constantinople every endeavour was used to induce the Turkish Government to recede from their dogged obstinacy, and by granting the moderate concessions required of them with respect to the Greeks, to avert those extensive concessions which were afterwards wrung from them at the peace of Adrianople. With the Russian Government a most energetic tone was assumed; the importance of this question was never for a moment forgotten; and in the instructions to Lord Heytesbury of June 13th, 1828, he is directed—

> "In the event of any territorial aggrandisement being contemplated, to adopt the gravest tone of remonstrance, consistently with abstaining from all language of menace."

I have the less hesitation in speaking of our diplomatic correspondence of that period, because it has already been noticed by Lord Grey in another place, at the opening of the Session of 1834. There was also full communication on the subject with other European Courts, until the manifold disasters of the Turkish arms left them no resource but the quick conclusion and humiliating terms of the Peace of Adrianople. Lord Aberdeen, in a despatch to Lord Heytesbury of the 31st of October, comments with no small dissatisfaction on many parts of that Treaty, and especially notices what the hon. Member for Lancaster has dwelt upon to-night—the stipulations respecting the Islands in the Danube. He denies that that peace has "respected the territorial rights of sovereignty of the Porte, and the condition and the interests of all maritime States in the Mediterranean," and I am sure that if the hon. Member for Lancaster had read that despatch he would certainly not complain of any want of foresight in the views, or of vigour in the tone, in the Duke of Wellington's Administration.

But perhaps the hon. Member for Lancaster may say that vigour in negotiation and remonstance was not sufficient, and that the Duke of Wellington should have made an appeal to arms. If that be the opinion of the hon. Member, I must altogether dissent from him. The conduct previously pursued by the Porte towards this country had certainly given her no claim to our protection on the ground of justice; and as to the ground of expediency, let me ask the House, when the Turkish arms were so covered with loss, and broken by disaster, was this just the most favourable moment for stepping forward as their ally? Let the House also look to the state of the other Powers of Europe—to France, for example, under the Administration of Prince Polignac—and let them see whether they will not discover other grounds for recommending peace. But supposing that the Duke of Wellington had taken an opposite view of that question, and had considered a war either just or advisable, I should be glad to know how far he would have had the support of those hon. Gentlemen opposite, who are now so forward in arraigning his policy as too pacific. Why, Sir, the cry of those hon. Gentlemen was then, that the Duke of Wellington was far too friendly to Turkey—that the Tories were attached to it, because it was a barbarous State; that its alliance and position were of no advantage to us, and that Russia was acting with singular moderation and total absence of ambitious views. In proof that such were then the opinions of the hon. Gentlemen opposite, I will take the liberty of giving some extracts from the speeches of their most eminent leaders, and I will begin with quoting from one now unhappily no more, whom I had the honour of knowing well in private life, and of whom I have the satisfaction of remembering that our political differences did not prevent our personal friendship; I mean Sir James Mackintosh who, on the 14th of February, 1828, said—

> "He was prepared also to contend that the Government of the Ottoman Porte had been treated with extraordinary long suffering, with most exemplary patience, and with most unexpected forbearance. It was bare justice to Russia to say, that her dealings with the Ottoman Power for the last seven years had been marked with as great forbearance as the conduct of that Power had been distinguished by continued insolence and incorrigible contumacy."

Again, another very distinguished man, Lord Holland, on the 16th of July, 1828, said—

> "Turkey has been called our ancient ally, words which, when examined, will be found to be a modern blunder. No, my Lords, I hope I never shall see, God forbid I ever should see, for the proposition would be scouted from one end of England to another, any preparations or any propositions, or any attempt to defend this, our ancient ally from the attacks of its enemies."

Such were the sentiments of the Whig party at that period. To these sentiments I admit that there was one great and eminent exception. There was one statesman of that party who, on Turkish affairs, entirely agreed with the Duke of Wellington, and dissented from the great body of the Whigs. That exception was Earl Grey. Speaking on the 29th of January, 1828, Earl Grey said,—

> "That with respect to the transaction itself, of the battle of Navarino, he concurred with the learned Lord (the Earl of Eldon) in thinking it most unfortunate; and that the effect which was naturally to be expected from such an event (meaning the further defeat of Turkey) might be averted, he sincerely trusted."

Thus, then, it appears that, with this single,—though I admit eminent exception of Earl Grey,—the party of the hon. Gentleman opposite was decidedly adverse to any interference in Eastern affairs; or, if they had interfered, were disposed to take the part of Russia rather than the part of Turkey. I do think that it is not quite fair to shift so completely their ground of attack; and I cannot but consider it rather hard that a Government should be blamed for not stepping more boldly forward, when those Gentlemen, who are now blaming it for non-interference, would have been the first to refuse their support to direct interference, or have proposed interference of an exactly opposite kind.

Well, then, after the peace of Adrianople, the next event which disturbed the tranquillity of the east, was the war undertaken by Mehemet Ali, against his sovereign lord the Sultan, in the spring of 1831. A change had meanwhile taken place in our Government at home, and the Earl of Aberdeen was succeeded as Foreign Secretary by the noble Lord opposite. Now, Sir, I must say, that the noble Lord opposite was by no means sufficiently alive to the importance of the new contest in which Turkey was engaged. I believe,—and I state this on the authority of persons the best acquainted with the practical state of the east,—that if the noble Lord had taken at first a firm and decided tone—if he had sent only two men-of-war to Alexandria—if he had even signified his disapprobation to the Pacha of Egypt, that aggression might have been, and would have been, arrested at its outset. I do not, of course, blame the noble Lord for not guessing precisely what would occur, and I admit that it is much easier to criticise events, when we look upon them with the knowledge of the result, as well as of the cause; but still I do say, that if the probable event had been earlier foreseen, it might have been entirely averted. Nor was it one of those sudden or violent inroads defying, by its rapidity, all reasonable calculation; Syria was invaded in the spring; in July was fought the battle of Homs, deciding the fate of that province, and it was not till the 21st of December afterwards, that the whole Turkish army was annihilated at the decisive battle of Coniah. That battle laid the Sultan prostrate at the feet, or within the grasp, of the Pacha. It was then that the Sultan, utterly stripped of his own resources, was compelled for preservation to apply to the succour of some other power. But to whom did he apply? Did he apply to Russia? No, Sir, he implored the aid of England. He sent over to this country first, M. Maurojeni, and then Namik Pacha, to entreat the assistance of a naval squadron, undertaking to defray all the expenses of that squadron, and promising in further requital of that succour, the grant of new commercial privileges and advantages to British subjects in Turkey. Such was the earnest application of Turkey; but what was the answer of the noble Lord? He refused that application. Then, and not till then, it was that the Sultan, in his utmost need, disappointed of aid from England, and compelled to seek for aid elsewhere, threw himself into the arms of Russia; then, and not till then, was a Russian army assembled on the borders of the principalities, and a Russian fleet seen to anchor in the Bosphorus. Then, and not till then, began that Russian influence which was so shortly afterwards displayed in the famous Treaty of the 8th of July, 1833. That decision of the noble Lord I cannot consider otherwise than as most unfortunate. I do not urge it against him in any hostile spirit, for it would be uncandid in me were I to deny, that the practical question then before him was by no means of so plain, clear, and evident a character as, I think, when separately considered, it appears. I admit that our domestic affairs were then in a most difficult position; I admit that our foreign relations also gave no small ground for hesitation; I admit that the noble Lord had to look to other considerations besides those connected only with Russia and with Turkey. Nothing is more unfair, in looking back upon a question, than to bestow no thought upon the difficulties with which it was perplexed and entangled at the time. But while I allow this to the noble Lord—while I am ready to make a fair and full allowance for the obstacles which he might have had to surmount in that question, yet, on the other hand, I doubt very much whether the noble Lord himself will deny, on cool consideration and on fair avowal, that the decision to which he then arrived was otherwise than most unfortunate. All the powers of Europe were then friendly to our granting the application of Turkey and even Russia, much to her honour at that time, consented to that course, and was willing to forego any interference or influence in Turkish affairs. Russia was willing that the arbitration of eastern policy should be wielded, not by the Court of Petersburgh, but by the Court of London. See to what results our opposite policy has tended. To the refusal of the noble Lord may be mainly ascribed the Treaty of the 8th of July, and to that Treaty no small degree of the present irritation and embarrassment. But even admitting that the noble Lord, in the trying situation in which he was placed, was compelled to reject the solicitations of Turkey, I should at least have expected that he would have taken most anxious precautions to guard against excessive influence on the part of Russia, and to keep her interference confined to narrow bounds. I should have expected that the noble Lord would have provided, with peculiar vigilance, for the diplomatic duty to be performed at Constantinople. Sir Stratford Canning had quitted Constantinople on the 9th of August, 1832. The noble Lord opposite then appointed Lord Ponsonby, who received his credentials at Naples on the 29th of November. This was the crisis of the Turkish empire—just on the verge of the decisive battle of Coniah. I ask, where was Lord Ponsonby in the month of December?—where was he in January, February, and March? It was not till the 6th of April that Lord Ponsonby embarked at Naples—it was not till the 1st of May that he anchored at Constantinople. Now, I do not wish to say anything harsh of any one who is not here present to defend himself, and therefore I admit that Lord Ponsonby's absence may possibly have been unavoidable,—illness, of course, would supply a sufficient cause, or there might be others; but I do assert, that, if this absence was not unavoidable, or if the noble Lord opposite could have foreseen and guarded against it, it deserves the severest censure, and was the second great cause of the growth of Russian influence at Constantinople. It was during this absence that the negotiation was begun, which was completed by Count Orloff, and brought to a conclusion on the 8th of July. It is my belief that if an active and able Ambassador had been present at Constantinople through that whole period, the ascendancy of Russia might have been successfully stemmed. On a former occasion, when this subject was mentioned, the noble Lord observed, that though we had no Ambassador present, we had a very able and experienced Secretary. No man can be more willing than I am to do justice to the talents of Mr. Mandeville, the gentleman alluded to, and I can bear personal testimony to his merit; but still does the noble Lord mean to contend that even the ablest Secretary can at all possess the weight or speak with the tone of an Ambassador? Why, if so, how will the noble Lord answer the hon. Member for Middlesex (Mr. Hume), who this very evening, bebefore this debate began, rose to complain of the absence of another Ambassador from his post?—and who, I dare say, when we come to vote the diplomatic estimates, will appeal to the noble Lord to assist him in abolishing all Ambassadors, and substituting Secretaries, with one tenth of the salary. I do say, that, if ever there was a country in which the weight and station of an Ambassador were useful—or a period in which that weight and station might be advantageously exerted—that country was Turkey, during the six months before the 8th of July.

Now, Sir, I have gone through, in much detail, the transactions previous to the Treaty of the 8th of July. Of the subsequent transactions I am unwilling to speak as minutely, not from any personal embarrassment, for there is no part of those transactions in which I, or any political friends of mine, were engaged; but I do feel a conscientious desire not to say a single word that can by possibility throw the slightest difficulty in the way of any pending negotiations. I will, therefore, only say, in general, that I feel the utmost anxiety for the integrity of the Turkish provinces, for the independence of the Turkish power, that I think it most desirable to other powers, and to the due balance between them, that the Turkish empire may be secure and undisturbed in its possessions. I trust that neither the present Government, nor any Government in this country, will ever lose sight of this important object. With respect to the complaints of the British merchants, I have no positive or certain information; but I do say, that looking to the number and respectability of the petitioners, the noble Lord is bound not to lose a moment in ascertaining whether their claims are well founded, and if so, in obtaining for them every satisfaction to which they may be fairly entitled. The Treaty of Adrianople is silent respecting the navigation of the Danube for other nations. It speaks only of its navigation by Russians, Turks, and the inhabitants of the principalities; but if it confers no privileges, it at least takes away none, and the question of the free navigation of the Danube, under the Treaty of Vienna, may become a matter of negotiation, as the free navigation of the Rhine was formerly with the King of the Netherlands.

With respect to Cracow, I need scarcely say more than a very few words, since the noble Lord has consented to the object of the motion in sending a diplomatic agent to Cracow. If, however, the noble Lord had not taken that course, I should still have had very strong objections to the motion in point of form. I doubt whether there is a single instance of Parliament addressing the Crown as to the place where the Crown should send its diplomatic servants, and I certainly will not lend myself, as far as my vote is concerned, to what I fear is too much the tendency of the present period—an attempt to exercise by this House the power of the executive Government. I feel most anxious that the independence of Cracow should be preserved, it is a remnant of the independence of Poland, it is most distinctly acknowledged and secured by the Treaty of Vienna. I think that, as parties to that Treaty, we were entitled to receive a communication as to the occupation of Cracow. I was disappointed at hearing the noble Lord state the other evening, that none such had come to his hands; and I certainly cannot agree with him in the opinion which he then expressed, that such an omission was, in fact, "a compliment" from the Three Powers. I certainly consider it anything but a compliment, either to this country, or to the noble Lord.

But, Sir, in saying this, I, at the same time, feel it no less my duty to protest and warn the noble Lord against a party who, as far as we may judge from their speeches on this and on other occasions, evidently design to embroil this country in a war with Russia. I know they do not use the name of war—there is no circumlocution to which they do not have recourse to avoid that name—"vigorous measures"—"active interposition"—"manly attitude"—anything rather than avow what is the object, or, at least, the tendency of all their proceedings—a war with Russia. Now, Sir, I am not afraid of war—I have the fullest confidence in the resources of this country—I have the fullest confidence in the spirit of this people—and relying upon both, I am convinced that we shall come out triumphant from any conflict in which we may be engaged. But I have no less, like the gallant Admiral (Codrington) who seconded this motion, the deepest sense of the privations and calamities which war draws down in its train, not only on the vanquished, but too frequently even on the victors; and I will never consent to see my country involved in these calamities, without requiring the fullest proof of its indispensable necessity—of its being absolutely required for the interests or the honour of England. I warn the noble Lord, that he will incur a fearful responsibility if, listening to exaggerated clamours, or to personal resentments, he should involve the country in war rashly, lightly, without full cause, and without having first exhausted all the means of peaceful negotiation. I also warn the noble Lord, that many of those so forward in hallooing him on to hostilities, have not always shewn themselves as ready to vote supplies as to utter complaints; and when they had once fairly entangled him in a quarrel, might, perhaps, leave him to prosecute it, or extricate himself as best he might, without any further assistance of theirs.

On these grounds, then, I object to the motion, and I advise the hon. Member for Lancaster to withdraw it. I am bound to look, not merely to the moderate terms of his Resolution, but to the vehement language of his speech. I object to the present motion—not because I am insensible to the importance of the subject—not because I am favourable to the aggressions of Russia—not because I approve of the past policy of the noble Lord—but I object to it, because I will not consent to divest his Majesty's Government of the responsibility that properly belongs to them—because I will not pledge myself or this House further than we know or intend—and because I will not authorize the noble Lord to think that by doing too much afterwards, he can repair his great error of having done too little at first.

Mr. *Warburton* deprecated the speech of the hon. Member who had brought the subject forward, and the principle of such a motion as he had made—a kind of motion, which was renewed from time to time, without any other practical effect than interrupting the course of the national prosperity. He confessed, that his hopes of any long-lived independence for Poland, looking to the abject state of dependence in which she had been kept by Russia before, and since the Treaty of Vienna, were very slight indeed. If, instead of recognising, we had protested against the partition of Poland, he might, indeed, have entertained some expectations of establishing that kingdom; but when he considered, that the only parties to whom they could look for the restoration of her independence, were the two countries who had been her greatest aggressors, any high prospects he might otherwise have entertained, faded speedily away. Had Napoleon, with the confederated armies of Germany and Italy, been able to restore independence to Poland? No; was it then to be expected, that we, by our own unaided exertions, and the parchment Treaty of Vienna, could accomplish the object? As long as we could assist Poland in her efforts, by sending a representative to Cracow, well and good; but it was hopeless to expect, that the end could be obtained by an appeal to war; it was only by encouraging and fostering the moral feelings to which a state of peace gave rise, that the small remnant of independence which remained to her could be secured. The hon. Gentleman had talked of the conduct of Russia towards Turkey. Now, if the hon. Gentleman wanted to increase the exports of this country to Turkey, he (Mr. Warburton) had a recipe for the purpose which would be effectual, without entailing any expenditure upon England, and yet increasing her comforts. His recipe was this. If you would increase the exports from this country to Turkey, favour the imports from Turkey to this country. With regard to Sweden, there could, he apprehended, be no doubt that the approximation of the frontiers of Russia to within one day's march of Stockholm, had endangered the independence of Sweden. The proceedings at the end of the war had tended to loosen the connection between Sweden and this country. The only mode of placing them on their old footing, was to increase our commercial and friendly intercourse with her, and thus re-establish the harmony and friendly feeling which formerly subsisted. That the commerce between the two countries had decreased to an enormous extent could not be doubted. Formerly three-fourths of the commerce of Norway was with this country, whereas, at the present moment, it was reduced to one-third. He was decidedly opposed to putting a violent end to the existence of peace, with all its blessings and advantages, by any rash and hasty proceedings; and for the reasons he had assigned, he should certainly divide with his Majesty's Government, in opposition to the motion of his hon. Friend.

Mr. *Barlow Hoy* said, that many hon. Gentlemen were in the habit of indulging in general statements respecting the aggressions of Russia, but they ought to remember what the conduct of this country had been towards that power, even during the last twenty years. The partition of the Turkish empire had been talked of, but it was effected—not by Russia alone, but by England, Russia, and the Pacha of Egypt. Did the House recollect, that when the present King of the Belgians was offered the sovereignty of Greece, he refused it, because he could not obtain the island of Candia? Nothing was thought, then, of the sovereignty of Turkey. The Treaty with the present King of the Belgians was broken off because he could not have Candia in addition to the dominion of Greece at that time offered to him. This then was an instance of a most wanton aggression, to which England was a party. He must say, that the conduct of this country, where the independence of others was concerned, had not been such as to entitle her to interfere. What was the conduct of Great Britain, when she was about to take possession of Ceylon? The Government entered into a contract with the King of that island, by whose assistance the Dutch were driven out. We entered into a contract, that the integrity and sovereignty of the smaller power should be respected. The English Government, however, took advantage of the dissensions which followed, and the King was declared to have forfeited his throne. That declaration was pronounced by England. He was sent into a lingering imprisonment out of Ceylon. Thus had England acted the part of the strong against the weak. When the people there found, that they were not to be permitted to have a king of their own, they broke out into a war, quite as patriotic as that of Poland against Russia. What did England do upon that occasion? England sent out an army—they burned the houses—they destroyed the crops—they shot the natives—treated them as rebels—they were hung, or executed by other means. The chief of that country, who was only suspected of communicating with rebels—how was he treated? There was no Siberia in question; but he was sent to the Isle of France, where he terminated his days. That was the conduct of this country, in which there was now so much talk of the conduct of Russia towards Poland. What had been our conduct in India. [*Question, question!*] His observations were to the question. He wanted to shew, that there were cases of aggression on the part of this country, as flagrant as ever were any on the part of Russia. [*Question, question!*] If there was no disposition on the part of the House to enter into this very important branch of the subject, he would not press it. It was to be remembered, that when a question was brought forward for imposing a duty upon Russian tallow, the interests of this country made it immediately be seen, that such an impost would be unwise and impolitic. He very much doubted, whether any benefit could arise from voting for the motion. One of the accusations made against Russia was, that she had established a quarantine at the mouths of the Danube. No doubt the quarantine laws are used by Russia for political purposes. He had no doubt, that the quarantine established by Russia, at the mouth of the Danube, was for a political purpose; and it was a just ground for remonstrance on the part of this country. Quarantine was now very seldom used for the purposes for which it was originally instituted. It had been one means of impeding the civilization of Turkey, and the sooner it was abolished the better for all parties. One word, as to the Treaty of Hoonkiar Skelessi, and by which Russia had obtained from Turkey great advantages. Suppose the people of England, however, were in the same position as the Russians were, when that Treaty was made: if the Minister did not obtain for England such advantages as Russia then gained, he would be impeached.

Mr. *Roebuck:* Sir, when we know the serious difficulties in which this country was involved by the last war, and the advantages which have resulted from the profound peace which it has so happily of late years enjoyed, we ought to consider gravely before we again embroil ourselves in hostilities. Why should we connect ourselves with the political quarrels on the Continent of Europe? I am never, for my part, contented with carrying out a principle half way. I lay down this proposition, that we ought never to mingle in European quarrels, or European politics. Ours is a single and insulated position, we have peculiar and insulated interests; and we ought never for any idle notion of maintaining "the balance of power," to embroil ourselves in disputes that do not belong to us. Our insulated condition, and insulated interests, point out to us that we ought never until we are attacked, to attack any other Power, and that never, unless for the purpose of avenging a wrong inflicted upon us, ought we to go to war. That is the broad proposition which I lay down. People may quarrel with that proposition, but it is incumbent upon them to show that it is erroneous, we must always assume the advantage to be on the side of peace; and the *onus* lies on those who wish us to depart from it to prove that we are bound by our condition to go to war. Sir, in support of the proposition which I have just laid down, I will cite the conduct of a nation much like ourselves; like us addicted to commerce, whose prosperity like ours is drawn from commerce, and who, in every political connexion, is based upon commercial advantages. I mean the United States of America, like ourselves separated from European quarrels and European politics. Now, I ask, in what do they differ from ourselves? "Why, they differ," says some one "in the distance which they lie from the Continent of Europe." I have a very short answer to that. The distance of America from Europe did not preserve her from England; while England, only twenty miles distant from France, has defended herself against any foreign aggression. In what, then, is the reason of this difference to be found? In this; that England is mistress of the seas, and that America is not. It is not approximation, or distance, therefore, that makes the peculiarity of our situation. Now what part of our interests demands that we should go to war? There is no danger of aggression, therefore, it is not self-defence. But, it is said, there is danger of aggression on our external relations, and we ought to have recourse to war to prevent that occurrence. I am willing to allow, that if it can be shown that a distinct attack has been made upon our commerce, no matter whether that particular branch of our commerce which is attacked be of great importance or not; if we are hindered in that course of honest, industrious, commerce, which we as a nation ought to pursue, and if all attempts to obtain redress by peaceful remonstrances have failed; then I admit, and not till then, should we go to war. But then first of all you must prove the aggression. Now what does the hon. Member for Liverpool do? What has he alleged in his speech? He has divided his speech into two parts, one part relating to Poland, and another to Turkey. Has the first anything to do with British commerce, or British interests? No certainly not. But it is said, we are bound by treaties to assert the rights of Poland, and the very person who makes that assertion (the hon. Member for Lancaster) says, that now-a-days sureties are of no use. Sir, I know they are not, and for that reason, would not have this country enter into any treaties. We know full well that Russia, Austria, Prussia, and France, will break a treaty the moment it suits their purpose. And why are we then to maintain it? Are we to assemble an army, and to land it on the shores of the Baltic, or march it into Poland to assert the rights of Poland. My opinion, is, that humanity, like charity, begins at home. There was a great talk about maintaining the "balance of power," many years ago. And what has been the consequence? Why we have got 800,000,000*l.* of National Debt—and I have no desire that this country should go through another such terrible ordeal. Are we to be utterly forgetful of all our own interests?

Are our manufactures nothing? Is our agriculture nothing? Are our labourers nothing? A war would be a stoppage to all our great political, social, and national improvements of every description, and would add immensely to our already overgrown National Debt. And is there any advantage to be derived commensurate with all these; for remember I am now speaking not of a war to protect our commerce, but of a war of humanity only? War with England, means a war with the whole world; it would be impossible for two such Powers as Russia and England to go to war without extending the contest over the whole civilized world; and for what? Because the Polish people have made an unsuccessful revolt. If they had succeeded, well and good. They have failed, and they must take the consequences. That is the understanding with which any people commences a revolt; viz., that they greatly gain if they succeed; they suffer if they fail; and that is the implied compact under which the Polish people, like any other country raised the standard of rebellion. Now a great deal is said about the original partition of Poland. What was that partition? It was the displacing a mischievous, aristocratic, tiresome, ever-agitated, oligarchical Government, and converting it into a despotism. That I consider a beneficial change. I believe the people of Poland were not then worse off than they were before the partition. I am not defending Russia; I am not attempting to deny that the course she took was that which a wise, an honest, or a benevolent nation would have pursued. But I say we should look closely at circumstances, before we are led for humanity's sake, to go to war. I am at a loss to understand what it is the hon. Gentleman proposes to gain by his motion, now that the noble Viscount (the Secretary for Foreign Affairs) has declared the intention of Government to send a diplomatic agent to Cracow. He does not say distinctly, we should go to war; and yet what is the good of sending a diplomatic agent to Cracow, unless perhaps the hon. Member anticipates he will only be insulted, and that thus we shall be driven to war. I am sorry to hear the intention of his Majesty's Government on this point. Had we any commercial interests to protect, then he should have been sent before. It is idle to think that Russia would be awed by the imposing demonstration afforded by one solitary man; it will only irritate her without doing any good. You send a diplomatic agent to Cracow; what will he do? He sends remonstrances—and the Russian Government very justly, (and as I am sure we should do in similar circumstances), ask him what business he has to interfere with them? Suppose that the Russian Government were to send an envoy over into our Eastern possessions (many of which are in much the same situation with regard to us as Poland is with regard to Russia), and we were to endeavour to persuade the people of those dependencies, that they were very ill treated, and write remonstrances to our Government on the subject. Why what should we do? Send him about his business to be sure!—and very properly. And I say that Cracow is similarly situated with regard to Russia, and that it would be absurd to irritate Russia by such an attempt at a demonstration as that which is recommended by the present motion—why I should not wonder if the Russian Government were to order our envoy to march off to Siberia! You ought first to make out proof that there has been an aggression upon England which will justify war before you result to any such measure. Now, then, comes the other portion of aggressions alleged in the speech of the hon. Member—the aggressions in the Black Sea; and the first proof of these aggressions on our commerce is drawn from a statement of the yearly increase of our trade with Turkey. I am at a loss to understand how that is made out. If the hon. Member wishes to know why that commerce is not greater, I say, from various reasons, my hon. Friend the Member for Bridport has pointed out some. At all events it is quite certain that there hes been no aggression on the part of Russia upon our commerce, justifying a menacing resolution of the House against that power. "Oh, but (says the hon. Gentleman), I shall go across the Black Sea to the mouth of the Danube, and there show you that tolls are exacted, to the great injury of our commerce." The assertion of the hon. Gentleman is the only evidence we have of the fact which he states; but even admitting it to be true, how are we to determine the intention with which that of which he complains has been imposed? Surely that is not to be done by a mere resolution of the House of Commons, and, therefore, I think that the King's Ministers should be left to prosecute their inquiries, and ascertain whether it is necessary to take any steps or not, without coming down three several times to thrust into this House a violent declamation against Russia; and upon what? Why, upon the mere assertions of two hon. Members relative to matters which, up to the present time, have not been mentioned to any one Minister of the Crown. I do not think those whom the hon. Member for Lancaster represents, have taken a proper course upon this occasion. He comes down on their part to a popular assembly, like this House, and complains for the first time, of grievances upon which the King's Government, the recognized medium of communication between one kingdom and another, have not been applied to. I do not think that is a course which the House will sanction. I think it is casting a slur upon a popular assembly; I have a great respect for popular assemblies and I don't like that way of using them. I think they ought to be kept for their proper uses. When the Ministers of the Crown are not doing their duty, when they will not redress the grievances of those who have applied to them for redress, then, and not before is it time to appeal to this House. The hon. Member for Lancaster is endeavouring to thrust upon this House a premature declaration against a system which prevails in Europe, as the consequence of which he contemplates, or ought to contemplate the chance of a war. I think such a declaration ought not to be made, but upon careful inquiry by the proper authorities, and that we ought not carelessly to threaten the destruction of the peace, not of Europe only, but of the civilized world.

Sir *Robert Peel* said, that the hon. Member who had brought forward this motion must be not a little surprised to witness the concurrence of persons of different political sentiments in opposition to his motion. The noble Lord, the Secretary of State, the hon. Member for Southampton, and the hon. Member for Bath, differing in their sentiments on other topics, agreed in opposing this motion; and he must state, for his own part, that he gave his unqualified concurrence to that opposition; though he did not subscribe to all the arguments which had been brought forward, he agreed in the conclusion at which they arrived; and if the hon. Member pressed his motion to a division, he should record his unqualified dissent from it. He concurred with the hon. Member for Bath in the propriety of acting with care and caution in such matters, and in the inconvenience of discussing this question in a popular assembly; but he did not concur with him in other parts of his speech, in particular when he maintained that this country ought to withdraw from all connexion and interference with continental affairs. If a country were determined to do justice and observe forbearance, and if it were sure that every other country would show the same spirit, then, being determined to offer no provocation, and do no injustice, it might justly refuse to involve itself in treaties, and be an indifferent spectator of the fate of other nations. But if, after sustaining a grievous injury, there was no course but to resort to arms—if there was no other resource open for obtaining redress but to make that last and calamitous appeal, he could not think that it was inconsistent with the duty or the policy of a country to prepare itself for such an event. The hon. Gentleman, who thought there was no use in making treaties, who had no confidence in the good faith of Austria, Russia, Prussia, or France, ought surely, if he regarded those states with distrust, to be prepared for the calamity which, without any fault of our own, might involve us in a contest with them. The hon. Gentleman said, that a war with England was tantamount to a war with the whole world. If that were the case, if such important interests were involved—if the spark thus lighted up might involve all the civilized world in conflagration—surely it was not proper in us to have no allies, and to make no preparations for such a contingency. The hon. Gentleman had quoted the example of America. Now, the policy of that country formed no necessary rule for us, under the peculiar circumstances in which it was placed, and its position with reference to other powers—on account of the absence of those national associations which involved us in the politics of the world, and still more on account of the distance which did, in point of fact, remove it from the theatre of European politics, and sever it from those bonds from which we could not emancipate ourselves. The hon. Gentleman had alluded to the advice of Washington to his countrymen. In the then state of American politics, there being no power in actual collision with the United States at that period, he could readily believe that it might be good policy to follow that advice, though it might not constitute a good rule for that country at other periods, and still less a good rule for a country so differently situated as England. But, whatever the abstract opinion of Washington might be, when hostile measures came into operation, and America was involved in a war with England, it did not disregard foreign alliances. When the time of danger came, it found the expediency of uniting itself with France. If it was necessary that we should be prepared for war when it came, and that we should be fortified by alliances with other states, surely we ought not to neglect to provide against it by timely measures of precaution. While, then, he agreed with the hon. Member on some points, he must express his total dissent from him on this. The hon. Member for Bridport had expressed great alarm at the hostile manifesto contained in the speech of the hon. Gentleman. Now, a more peaceable and harmless motion, following so warlike a speech, he had never heard. The object of it was to advise the Crown to send a diplomatic agent to the state of Cracow. He should decidedly object to the House of Commons giving advice with respect to the mission of a diplomatic agent. Should the motion be carried, this would be the first instance of such an interference on the part of the House with the exercise of diplomatic functions. He apprehended that it was no necessary indication of hostility to refuse to receive a diplomatic agent; it might be a mark of general unfriendliness, but formed no ground for a declaration of war. The House had no means of ascertaining whether the mission would be acceptable to the state concerned, or whether the agent would be received. They could not, certainly, advise the mission, without knowing whether it would be acceptable, or whether there might not be a possibility of its being regarded as little less than an insult. He apprehended, that on reconsidering this point, the hon. Gentleman would see the propriety of withdrawing this part of his motion. Taking the resolution itself, and not viewing it in conjunction with the speech, a less formidable motion had never been made. The other object proposed by the resolution was, "That his Majesty will also be graciously pleased to take such steps as to his Majesty may seem best adapted to protect and extend the commercial interests of Great Britain in Turkey and the Euxine." Was it not the duty of Government, not only in the Euxine Sea, but with respect to the universal commercial interests of the country, to protect and extend trade? He would not select any one part of the globe, and give advice to his Majesty to extend and protect our commerce there; but he would say it was the universal duty of the Crown to extend and protect the traffic of the country. If the House believed the Government to be neglectful of this duty, and could not confide in them, a motion should be passed, expressly calling for the removal of Ministers, and the Crown should be advised to confide the trust to other hands. But he could not consent to make a motion to instruct Government relative to a special instance of its executive duty, and yet say that an Administration so remiss was fit to be intrusted with the execution of that instruction. The hon. Gentleman had spoken of the aggressions of Russia, and his speech had certainly been of a hostile character. He did not rise to defend Russia, or to underrate the importance of these aggressions, if aggressions had been commited; but if the House was to interpose its authority in aid of the executive Government, they ought, in the first instance to have decisive official proof of the necessity of their doing so. He certainly would not act upon the speech of any hon. Member, however extended his information, or however important the interests he represented. If there had been any undue encroachments on the part of Russia, he said, let us have redress; but if he was not to continue to leave the matter in the hands of the King's Government, and if he was to call for the aid of the House, of course, before he took the first step that approximated him to hostile movement, he must have demonstration, clear as day, that such a proceeding was required. He must have direct evidence—he must have the treaty—he must compare the alleged infraction of it with its provisions—he must determine the character of that aggression, and then he would not content himself with calling on the King to take such steps as might seem to him best adapted to extend and promote the general interests of our commerce, but he would tell the Throne, and he would tell the House, that an injustice had been done to England, and that reparation had been refused; and he knew that the House would assure the King of their determination to support him in his demand for justice. Such was the course which a House of Commons, representing the people of England, ought to pursue, when it was satisfied that its interposition was called for; but let him tell the House, that if they contented themselves with seeming to interfere, and with calling in the aid of menace on slight occasions, when the day of real danger came, then the views of the House would not have that weight and that authority throughout Europe which they ought to possess. If they did interfere, they ought to indicate to the King's Government what course they ought to pursue, but he really could not see that any end would be attained by passing a resolution which merely implied that Government neglected their duty, but intimated that they should be left free to judge of the steps they ought to pursue on the particular question referred to. He confessed, that he did not in anywise understand the resolution. If it implied want of confidence, why did not they mark their distrust by indicating the steps Government ought to take? But the resolution stated, that the King should be the judge of the measures best adapted to extend our commercial influence, and consequently that the servants of the Crown should continue to judge of them. The resolution imposed no obligation; it was left entirely to the decision of Ministers to determine on the measures to be adopted. This was, in point of fact, dividing the responsibility. Supposing that Government were to say to the House, "We regarded your address as a stimulus to our activity; we thought you were dissatisfied with our policy, and that you considered us too pacific. We have refused to compromise our differences with foreign states amicably, and will you support us in case of a war?" If that support were withheld, what would they have gained by the resolution? Would it be sufficient, then, for the House to reply, "We said not a word about war. It is true we talked of the aggressions of Russia on Friday, but we said nothing of war on Monday. We only said, that the commercial interests of the country should be protected. You have entirely misconstrued us, and we will not support you." If the House were resolved to interpose, let them not only interpose directly, and state their specific object, but let them state to what extent they would relieve Government of the responsibility, and what was the share of responsibility they were willing to assume. There was no intermediate step between leaving the matter in the hands of the executive Government and coming forward immediately with a vote expressive of want of confidence in them. But to a general resolution, indicative of a desire to have war on a small scale, or to try the effect of menace, in the hope that we should escape with menace, he never could consent to be a party. It was not only that he thought the honour and dignity of the country were involved in this question. Besides that, he believed that the interests not only of this country but of humanity were at stake, and so long as peace could be maintained, he thought the British nation ought to set the civilized world the example of maintaining it. At the same time, he should be the first to say, if a foreign power either insulted or injured us in any essential interest, and refused reparation, or mocked us by mere worthless concessions, that it would be then for the interests of England and of humanity that England should assume her proper attitude and station, and having used every effort to procure redress, should then have recourse to that alternative, which, after all, was one of the greatest calamities that could befall a people. So much for general subjects; but he wished to add one word with respect to that part of the speech of the hon. Gentleman referring to the treaty of Adrianople, and casting blame on the Government of his noble friend, the Duke of Wellington, for not taking more energetic steps to check the power and influence of Russia, which had arisen, as the hon. Gentleman thought, from that Treaty. On a question of this kind, and after constant occupation with the other business of the night, it would be difficult for him to attempt to speak with perfect precision on bygone matters, which took place four or five years ago. But if he made any mistake, both the hon. Gentleman and gallant Admiral on the same side possessed memories sufficiently accurate to correct him. He must protest against judging of the Treaty by the impressions and feelings entertained at this time. It was the fashion now to have great hostility towards, and apprehension of, Russia, and he would therefore look to the state of the public mind as existing in the year 1828. Then the universal feeling of this country was not directed against Russia, but was in complete concurrence with Russia in establishing the independence of Greece. His noble Friend assumed the Government in the month of January, 1828, and with respect to Russia, and indeed other Governments also, for he did not mean to say that their position with Russia was peculiar; the Ministers of that period were not perfectly free agents. By the Treaty of July, 1827, this country, France and Russia, had contracted a common obligation, to put an end to the disorders prevailing in the Levant, and provide for the qualified independence of Greece. It was stipulated that, supposing one of the parties should be involved in hostility with Turkey, the Treaty should not be brought to a close in consequence of such a rupture. In 1828 a war took place between Russia and Turkey, a war which he must say, without pretending to place implicit confidence in all the assurances given them of Russian disinterestedness, arose immediately out of a provocation on the part of Turkey, offered, he believed, with the view of bringing on the destruction of the alliance of the Three Powers. A hostile manifesto issued by Turkey against a state so powerful, and bound by Treaty with France and England to effect the independence of a considerable part of her territories, could only be accounted for on the presumption that war would never take place—that France and England would refuse to be party to hostilities, and would withdraw from the alliance. These powers had indeed deprecated the hostilities of Russia against Turkey; they knew Russia would have very great difficulty in acting as a mediator in one part of the world, and as a belligerent power in another, but still, foreseeing that the consequences of their withdrawal from the alliance must be fatal to the independence of Greece, they had determined to adhere to the Treaty, and fulfil its objects to the last. The gallant Admiral opposite thought that the Russian war might have been prevented, and was under the impression that Russia made proposals that England and France should enter with her as direct parties into the war against Turkey—a very convenient proposal for Russia to make when on the eve of separate hostilities, and that Britain and France had replied that they had no interest in the quarrel, that the Treaty never contemplated hostilities, and that they had no ground of complaint against Turkey. The proposition which had been made by Russia was, that the provinces of Moldavia and Wallachia might be occupied by Russian troops. The answer returned was, that if the Russian army took possession of those territories, it would be impossible to reconstruct a fabric so constituted as the Turkish empire, when undermined by the advance of Russian troops, acting in concert with France and England. Supposing they had acceded to the proposal, and that the Russian troops had advanced, with the consent of Britain and France, what security would there have been that fresh causes of hostility between Turkey and Russia would not soon have arisen? He apprehended Russia would not have parted with the power of declaring war against Turkey on separate grounds, and all that they would have gained would be, to be parties to the operations which had annihilated the latter state, and left her a complete prey to the Czar. He asked hon. Members if they thought it would be wise in us to guarantee the security and integrity of Turkey, whether the other powers were willing or not. He would not discuss the question whether such a guarantee would be effectual. The hon. and gallant Member said, that at that period the Turkish army amounted to 53,000 men; that the Russians were in an almost hopeless state, from sickness and despondency, and that it would have been easy for England to arrest their progress. But if the Russians were in such a miserable condition, what must have been the inherent strength of Turkey when it was unable to free itself from their presence? Ought the Government, then, without some vitally important reason, to have undertaken the defence of Turkey, at an enormous expense, and at so great a distance, unless they had been assured of the co-operation of the other powers? He had no hesitation in saying, that France was not prepared to have supported us. We could not have persevered without forfeiting the concurrence of France, and losing all chance of the co-operation of Austria. Under these circumstances, he must repeat, that little short of madness could have induced us to guarantee the security of Turkey. He did hope, at the same time, that the other powers of Europe would feel a common interest with us. He did not undervalue the independence of Turkey, and he trusted that France and Austria would see the necessity of co-operating with us for that end. Turkey had not been included in the Treaties of 1814 or 1815, but he felt certain that the whole of Europe would rise up against the transference of the whole power of that empire to a single state. With respect to our commercial relations, though he did not undervalue any aggressions made on our commerce, and he should be unworthy of the close connexion he had with the commercial interests of the country, if he did, yet he must assert, that on this point the hon. Member's speech was not conclusive. The hon. Gentleman had said, that since the Treaty of Adrianople there had been a progressive decrease in our exports to one of the countries in question, but on account of what? Not on account of a diminution in the demand for it from Turkey, but from the uneasiness and insecurity of our relations with Russia. He said, then, that he would not consent to any vague motion, which would still further aggravate that insecurity. He would not add to that trepidation, notwithstanding the expressed wishes of Mr. Garnatt and some other merchants, but he would tell the hon. Member, that if a just cause should arise for war, he would be the last to oppose the assertion of it. At the same time, he would not be a party to a vague motion like this, which would only add to irritation without increasing security.

Mr. *Cutlar Fergusson* said, he had not had any intention to take part in this debate; but the extraordinary sentiments and doctrines propounded by the hon. and learned Member for Bath, compelled him to notice them. It was the first occasion in his life, on which he had heard a defence, apology, or excuse for the most flagitious public act that had stained the annals of modern times—the partition of Poland. He had supposed that that nefarious proceeding had met with the just and universal reprobation of the whole civilized world; and it was with pain that he had heard a Member of the House of Commons of England become the defender of that measure, in a place where it certainly never found a defender before. The hon. and learned Gentleman had asked what the Poles had lost by the partition of their country? They lost everything that could be made dear to a nation, and without which there was nothing that deserves to be valued—its independence. The territory of a great and powerful people was parcelled out among States, whose very existence had been owing to the glorious efforts of that people—by which the religion and the liberties of Europe had been so often preserved. He should have been glad, that the feelings of the House, which had been so often manifested in favour of Poland had been spared the pain of hearing the observations of the hon. and learned Member for Bath. He had so often addressed the House on the merits of that cause.—His sentiments on that subject were so well known that he would only now say, that they continued unchanged, and that the events which had since happened had only strengthened the opinion which he had formerly expressed. The hon. and learned Member for Bath, who seemed to found his reputation on the singularity of his opinions, had advanced another doctrine, which he had considered was exploded, and which never had been adopted by any considerable portion of the British public, and certainly never obtained favour with any British statesman. The hon. Member said, that Great Britain should withdraw herself entirely from the affairs of Europe—that she should abstain from all interference, unless in the case of a direct attack on herself or on her own separate interests—that she should enter into no treaties and bind herself by no engagements towards other States. No such policy had rendered Great Britain great and powerful. It was not the policy which guided the councils of William, Prince of Orange. He was the life and soul of that great confederacy by which the independence of this country and of Europe was preserved against the designs of Louis 14th; and he was, at the same time, the means of securing this nation from arbitrary power—of saving her rights, civil and religious, from the total destruction with which they were threatened by the infatuated and misguided prince, who then sat upon the throne of this country. The hon. and learned Member for Bath said, and the hon. Member for Bridport seemed to agree with him, that we ought to enter into no treaties with foreign powers. But would the hon. and learned Member, or those who thought with him, say what we were to do in cases which might arise out of the treaties by which we were already engaged? He trusted it would not be said, that England was not to hold herself bound by those engagements. The faith of England, when pledged by treaty, must be held sacred. There might be times and circumstances, no doubt, when a nation might not be in a condition to avenge a breach of treaty. Some persons, for example, contended that France and England laboured under difficulties arising out of the critical state of their domestic policy, in both countries, at the time when the terms of the treaty of Vienna, to which they were parties, were flagrantly broken by the destruction of the Constitution and nationality of Poland. That that breach of treaty amounted to a just cause of war, on the part of England and of France could not be fairly doubted. Had they been in a condition to exercise that right, and had they considered that their armed intervention would have obtained its object, and would have saved Poland, they would have been fully justified in intervening. That intervention did not take place; but let it be remembered that neither England nor France had given its sanction to that act by which the Constitution and nationality of Poland were destroyed. Nay, they had solemnly protested against it; and the

Present political state and condition of Poland, brought about by a breach of treaty, was not considered, either by England or France, as part of the public law of Europe. In respect to the motion before the House, he was satisfied that his hon. Friend would not think it necessary to press it to a division. His noble Friend, the Secretary for Foreign Affairs, had intimated that a consular agent was to be sent to Cracow, a step which he could assure the hon. Member for Bath was not taken from any fear of the result of the motion of the hon. Member for Lancaster. It had long been considered desirable, with a view to our political as as well as commercial relations and interests, that a British consul should be sent to Cracow; and in the month of June last, he had endeavoured to impress this on the Consular Committee, of which he was a Member, and who were unanimously of the same opinion. He believed the opinion of his noble Friend had been formed on the subject before that time, and he could safely say, that from that time all the Members of the Committee considered it, as he did, as a measure determined upon. His hon. Friend, the Member for Lancaster, had obtained the full effect of the first part of the motion; and in respect to the second, he had shewn no instance in which the Government had been wanting in its care and protection of our commercial interests in the East. The latter part of the motion was, therefore, wholly uncalled for, had no facts to rest upon, and it might be considered to convey a censure on the Government which it had not merited, and to which he could not accede. He trusted that his hon. Friend would withdraw his motion.

Mr. *Roebuck* denied, that he had justified the partition of Poland. He considered that act to be unjust, but that its consequences had proved beneficial.

Mr. *Patrick M. Stewart* said, his object in referring to the progressive rise of our trade with Turkey had been to convince the House of the great value of that branch of British commerce, and of the importance of preserving it. With regard to the result of this debate, when the right hon. Baronet enumerated the concurrent opinions against his motion, he ought to have omitted the noble Secretary for Foreign Affairs, who had acceded to his first proposition, relative to a diplomatic mission to Cracow, and had also held out a hope of an extension of our consular appointments on the borders of the Euxine towards Persia. The debate had been very satisfactory to him, and he congratulated himself on having called up the right hon. Baronet, who had, for the first time, identified himself with the subject. With the permission of the House, having succeeded in the first part of his motion, and the second part having been in substance conceded, he would, with the permission of the House, withdraw the Resolution.—Resolution withdrawn.

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